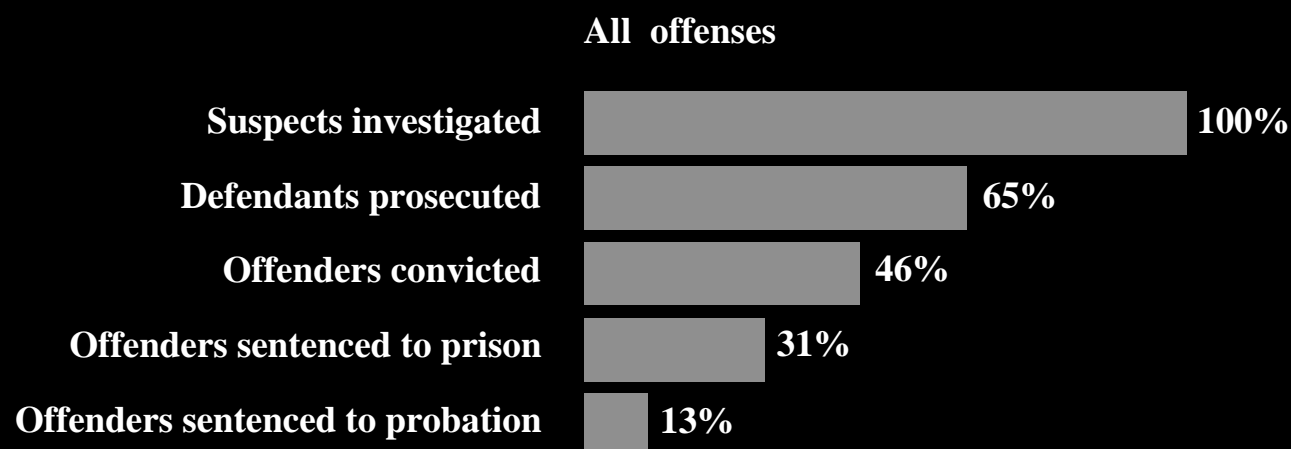




Bureau of Justice Statistics

Compendium of Federal Justice Statistics, 1995

Federal criminal case processing, 1995





Compendium of Federal Justice Statistics, 1995

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Bureau of Justice Statistics

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Highlights

During 1995 more than 102,000 suspects were investigated by U.S. attorneys for possible violations of the U.S. code, and criminal charges were filed in U.S. district courts against about 64,000 defendants, one-third of whom were prosecuted for drug offenses.

The majority (84%) of the 56,480 defendants whose cases were terminated in U.S. district courts during 1995 were convicted. Among those convicted, 67% were sentenced to prison for an average of 61 months. At the end of 1995, the Federal Bureau of Prisons held more than 88,650 prisoners who had been convicted of a Federal offense, an increase of 6% over 1994. Sixty percent of those held by the Bureau of Prisons were convicted and sentenced for drug offenses.

Prosecution

During 1995 U.S. attorneys initiated criminal investigations against 102,220 suspects, and they concluded their investigations against 102,309 suspects. Of the suspects investigated, slightly more than 31% were investigated for each of property, drug, and public-order offenses, while the remaining 6% were investigated for violent offenses.

Of the suspects in criminal matters concluded, U.S. attorneys prosecuted 55,703 in U.S. district courts (54% of all suspects in matters concluded) and declined to prosecute 35,896 suspects (35%), while U.S. magistrates disposed of another 10,710 suspects (11%).

Suspects in criminal matters involving drug or violent offenses were slightly more likely to be prosecuted in a U.S. district court (69% and 60% respectively) than were the suspects involved in public-order or property offenses (48% and 47% respectively). Suspects involved in property offenses such as fraud or regulatory public-order offenses were more likely to be declined for prosecution (50% and 67% respectively) than

were the suspects investigated for drug or violent offenses (24% and 35% respectively).

Pretrial release

During 1995 about 58% of the 45,635 defendants who terminated pretrial services were released at some time prior to their criminal trial. Defendants charged with property offenses such as embezzlement, fraud, and forgery and those charged with regulatory public-order offenses or tax law violations were more likely to be released prior to trial (between 80% and 96% of these defendants were released) than were defendants charged with violent offenses, drug trafficking, weapons, or immigration offenses (between 25% and 52% of these defendants were released).

Defendants having a prior criminal history of serious or violent crimes were less likely to be released than those without a prior criminal history, and as the extent of a defendant's criminal history increased, the likelihood of release decreased. Thirty-one percent of the defendants with a prior violent felony conviction were released prior to trial, while 70% of the defendants with no prior convictions were released. Sixty-one percent of defendants with one prior conviction were released, as compared to 47% of defendants having 2 to 4 prior convictions and 33% of defendants having 5 or more prior convictions.

Of the defendants released prior to trial, about 84% of them completed their periods of release without violating the conditions of their release. Sixteen percent of defendants released violated the conditions of their release, and about 6% of defendants had their release revoked. Defendants charged with drug and violent offenses were more likely to have at least one violation of their conditions of release (26% and 21% respectively) and to have their release revoked (9% and 10% respectively) than were other defendants.

Adjudication

Criminal charges were filed in U.S. district courts against 63,547 defendants during 1995, about 80% of whom were charged with felonies. Of the defendants charged with felonies, 40% were prosecuted for drug trafficking offenses, 27% for property offenses, 25% for public-order offenses, and 6% for violent offenses.

Criminal cases were concluded against 56,480 defendants during 1995, 79% of whom had been charged with felonies. Eighty-four percent (or 47,584) of all defendants were convicted; 81% of these were felony convictions.

Eighty-seven percent of defendants charged with felonies were convicted; this rate was about the same for all major offense categories. For example, 89% of violent offenders, 87% of property offenders, 86% of drug offenders, and 87% of public-order offenders were convicted. Most felony convictions were obtained by guilty plea (91%).

Drug defendants comprised 40% of felony convictions; defendants charged with property and public-order offenses comprised 28% and 25%, respectively, of the felony convictions, and defendants charged with violent offenses comprised the remaining 7% of felony convictions.

Sentencing

Of the 47,556 offenders sentenced during 1995, about 67% were incarcerated, another 27% were placed on probation (either alone or with some incarceration), and 7% were ordered to pay a fine.

About 91% of violent felony offenders and 91% of drug trafficking offenders received prison sentences, as did 79% of felony public-order offenders and 59% of felony property offenders.

The 31,805 offenders sentenced to prison received, on average, 61 months of imprisonment, while the

12,986 offenders sentenced to probation received, on average, 33 months of probation. Offenders sentenced for violent felony offenses and felony drug offenses received longer average prison terms (92 and 85 months, respectively) than those convicted of felony property and public-order offenses (26 and 51 months, respectively).

Average length of sentences imposed, by offense, October 1, 1994 - September 30, 1995

Most serious offense of conviction	Average sentence length
All offenses	60.9 mo
Felonies	64.5
Violent offenses	92.3
Property offenses	26.4
Drug offenses	85.4
Public-order offenses	51.1
Misdemeanors	9.5

Appeals

During 1995 the U.S. Court of Appeals received 10,162 criminal appeals. Forty-four percent of the appeals filed challenged both the conviction and sentence imposed. Only four percent of appeals were filed by the Government. Of the 10,852 appeals terminated during 1995, 80% (or 8,684) were terminated on the merits. In 86% of the appeals terminated on the merits, the district court ruling was affirmed, at least in part.

Corrections

A total of 18,144 offenders were serving terms of probation supervision that terminated during 1995. Most of these offenders (84%) completed their terms of probation successfully. About 14% of offenders violated their conditions of probation; 4% of probationers committed new crimes.

A total of 17,879 offenders completed terms of parole or supervised release during 1995. Sixty-one percent of these offenders successfully completed their terms without violating conditions of release; 12% committed new crimes; 24% committed technical violations.

Regardless of the type of supervision, offenders convicted of violent offenses were less likely than others to successfully complete a term of supervision.

At the end of 1995, there were 85,662 offenders under supervision. About 47% were under terms of supervised release; another 42% were on probation; and 11% were on parole. Drug offenders comprised 48% of offenders under terms of supervised release, 58% of offenders on parole, and 12% of offenders on probation. Property offenders comprised 40% of the offenders on probation, 29% of offenders serving terms of supervised release, and 13% of offenders on parole.

The Federal prison population increased by 4,787 offenders during 1995 to reach 88,658 persons in prison. During 1995, 32,566 prisoners were received by the Bureau of Prisons from U.S. district court commitments, and an additional 12,527 prisoners were returned to Federal prison for violating conditions of probation, parole, supervised release, or

otherwise admitted to Federal prison but not committed from a U.S. district court.

During 1995, 27,127 prisoners were released for the first time from Federal prison after commitment from a U.S. district court. These "first releases" served, on average, 26.5 months before their release, or about 90% of the sentence imposed. Drug offenders served an average of 38 months before first release, while property offenders served an average of 16 months before first release.

Average time to first release, by offense, October 1, 1994 - September 30, 1995

Most serious original offense of conviction	Mean time served
All offenses	26.5 mo
Violent offenses	51.9
Property offenses	15.7
Drug offenses	37.6
Public-order offenses	14.7

An additional 13,179 prisoners were released from subsequent commitments to Federal prison.

Drug offenders — who comprised about 40% of persons admitted into Federal prison— comprised the largest percentage of persons in prison (60%) at the end of 1995.

Distribution of admissions, releases, and prisoners at yearend, by offense, October 1, 1994 - September 30, 1995

Most serious offense of conviction	All admissions	All releases	Population at yearend
All offenses	45,093	40,306	88,658
Violent offenses	9.6%	9.8%	12.9%
Property offenses	21.2	23.9	8.8
Drug offenses	39.1	38.0	59.5
Public-order offenses	28.9	27.3	17.7

Introduction

This Bureau of Justice Statistics (BJS) report presents an overview of case processing in the Federal criminal justice system. The data presented are compiled from the BJS Federal Justice Statistics Program (FJSP) database. The FJSP database includes data provided by the Administrative Office of the U.S. Courts, the Executive Office for the U.S. Attorneys, the Federal Bureau of Prisons, and the U.S. Sentencing Commission. The Administrative Office of the U.S. Courts, in addition to providing data describing defendants in cases processed by the Federal judiciary, provides data describing defendants processed by the Federal pretrial services agencies and the Federal probation and supervision service. The data provided by the agencies are archived for public use at the National Archive of Criminal Justice Data (ICPSR 9296).

While each agency reports on those defendants it processed during a given year in an annual statistical report and because many of the case processing statistics reported vary across agencies, these annual statistical reports are often not comparable. As reported by an inter-agency working group, headed by BJS, the differences in the case processing statistics are attributable, in part, to the differing needs and missions of the agencies. The working group found that the differences in reported statistics are attributable to:

- the universe of cases reported during a given period — some agencies report on those case processing events that *occurred* during a particular period, whereas others report on those events *recorded* during a particular period; and
- many of the commonly used case processing statistics — suspect/defendant processed, offense committed, disposition, and sentence imposed — are defined differently across agencies.

BJS, through its Federal Justice Statistics Program, however, has recognized the lack of comparability of these annual statistical reports and has attempted to reconcile many of the differences identified by the working group. For instance, by combining databases from several years, BJS is able to report on those cases that actually occurred during the reporting period. Additionally, commonly used case processing statistics are made comparable across stages by applying uniform definitions to data obtained from each agency. Because the definitions used in the Federal Justice Statistics Program are consistent with those categories used in other BJS programs describing the defendants convicted, sentenced, and imprisoned at the State level, the comparison of Federal and State case processing statistics is facilitated.

The 1995 *Compendium*, tenth in a series which also includes 1984, 1985, 1986, 1988, 1989, 1990, 1992, 1993, and 1994, describes defendants processed at each stage of the Federal justice system — investigation and prosecution by the U.S. attorneys (chapter 1), pretrial release or detention (chapter 2), adjudication in the U.S. district courts (chapter 3), sentencing (chapter 4), appeal of the conviction and/or sentence imposed (chapter 5), and corrections (chapter 6) — for the 12-month period ending September 30, 1995 (the Federal fiscal year). Chapter 5 is new to the 1995 *Compendium*; future editions will incorporate additional data as they become available.

Generally, the tables presented include both individual and organizational defendants. Organizational defendants are not included in tables describing pretrial release and detention or tables showing defendants sentenced to incarceration. Felony and misdemeanor distinctions are provided where possible (see "Table construction and interpretation" in *Methodology*).

Organization of the *Compendium*

Each chapter of the *Compendium* describes a major stage in the processing of criminal suspects and defendants. Each chapter contains *Chapter notes* that describe the universes of data used in the tables and information relevant to the interpretation of individual tables. The contents of the *Compendium* include:

Chapter 1. This chapter describes decisions taken by Federal prosecutors in screening criminal matters and the characteristics of defendants in cases prosecuted or declined for prosecution.

Chapter 2. This chapter describes the pretrial release and detention practices of the Federal judiciary, including the characteristics of defendants detained or released pending trial.

Chapter 3. This chapter describes actions by the Federal judiciary in adjudicating defendants in cases filed by the U.S. attorneys, including the offense charged and characteristics of defendants convicted.

Chapter 4. This chapter describes the sentences imposed by the Federal judiciary on convicted defendants, including the characteristics of defendants sentenced.

Chapter 5. This chapter describes appeals of criminal convictions and sentences imposed in the Federal courts, including the original offense charged.

Chapter 6. This chapter describes defendants under Federal correctional supervision — probation, parole, and supervised release — including the outcome of the supervision (successful completion, any violations, and revocation), admissions to, and releases from Federal prison and time served by Federal inmates.

Methodology. This section describes the procedures followed in analyzing data and developing tables.

Glossary. This section contains definitions for terms used in the *Compendium*. Since many terms used in the text and tables have specialized meanings (either because they refer to Federal law or because of reporting procedures by the Federal agencies supplying the data), readers are encouraged to check the glossary for exact definitions of tabulated data.

Comparing Case Processing Statistics. This document, prepared by an interagency working group tasked to reconcile differences in Federal criminal case processing statistics, identifies and describes the major differences in the way Federal criminal justice agencies collect, tabulate, and report criminal case processing events.

Modifications in the 1995 Compendium

This *Compendium* continues the modifications started with the 1994 *Compendium*. These were designed to improve the understanding of the Federal criminal justice system and to enhance comparability with other Federal criminal justice agencies' annual reports.

The reporting period was changed to reflect the Federal fiscal year — October 1 through September 30. This represents a departure from previous editions of the compendium and other BJS reports. The change to a fiscal year reporting period was made to facilitate the comparability of the compendium with the agencies' annual publications. (All of the agencies whose data are presented in this report publish an annual statistical report describing events occurring or reported, where applicable, between October 1 and September 30.)

In chapter 1, the tables describing defendants investigated and prosecuted by the U.S. attorneys were updated to distinguish between suspects in criminal matters from those in criminal appeals. Therefore, tables describing suspects investigated by the U.S. attorneys are not

directly comparable with prior years' compendia. However, included in the *Chapter notes* are tables describing criminal appeals handled by U.S. attorneys to facilitate that comparison.

In several tables included in chapter 2, the percentages reporting the type of pretrial release and method of pretrial detention were calculated from the base of defendants released or detained, where appropriate, rather than all defendants who terminated pretrial release or detention.

In chapter 3, a table describing defendants in criminal cases filed in U.S. district court was added. Additionally, the table describing defendants in cases handled by U.S. magistrates uses data provided by the Administrative Office of the U.S. Courts rather than the U.S. attorneys. The data provided by the U.S. attorneys includes a substantial number of fugitive criminal defendants whose cases were originally filed before a U.S. magistrate because the defendant crossed State boundaries to evade apprehension. Ultimately, these matters were dismissed by the U.S. attorney, and these defendants were prosecuted in State courts upon their apprehension and extradition.

A chapter on criminal appeals (chapter 5) was added in order to provide more complete coverage of the Federal criminal justice system.

Many of the tables in chapter 6 describing Federal prisoners were expanded to distinguish between defendants sentenced pursuant to the provisions of the Sentencing Reform Act of 1984 ("new law") and the previous sentencing policies ("old law").

Notes to reader

The tables in the *Compendium* were constructed to permit valid comparisons within each table and to allow the reader to compare percentages (but not raw totals) across tables. It should be understood, however, that the total number of subjects or defendants shown in a particular table may

not equal the number of subjects/defendants involved in a particular stage of processing, since some records could not be linked and some data sources did not include information on particular data elements classified in a particular table. Data notes indicate the exact universe for individual tables.

The *Compendium* is a statistical presentation of Federal criminal justice information with limited analyses of trends or explanatory factors underlying the statistics. Analyses of Federal justice statistics may be found in special reports and other publications, some of which are cited in the compendium. Assessment of changing patterns in the compendium tabulations may depend on detailed examination of subcategories not shown in the tabulations or may require other sources of information, such as knowledge of legislation or Federal agency procedures.

System overview

Federal criminal case processing, 1995

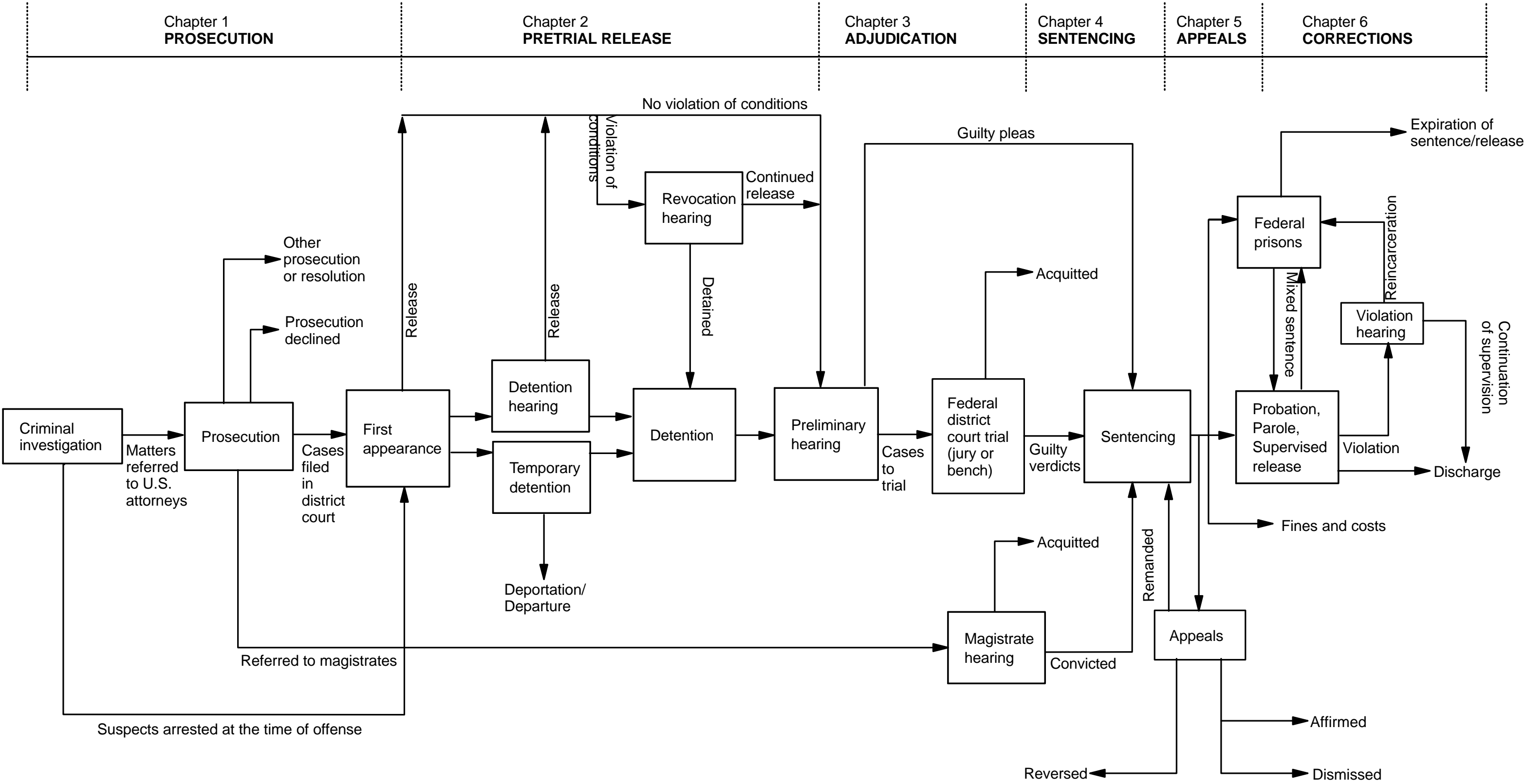
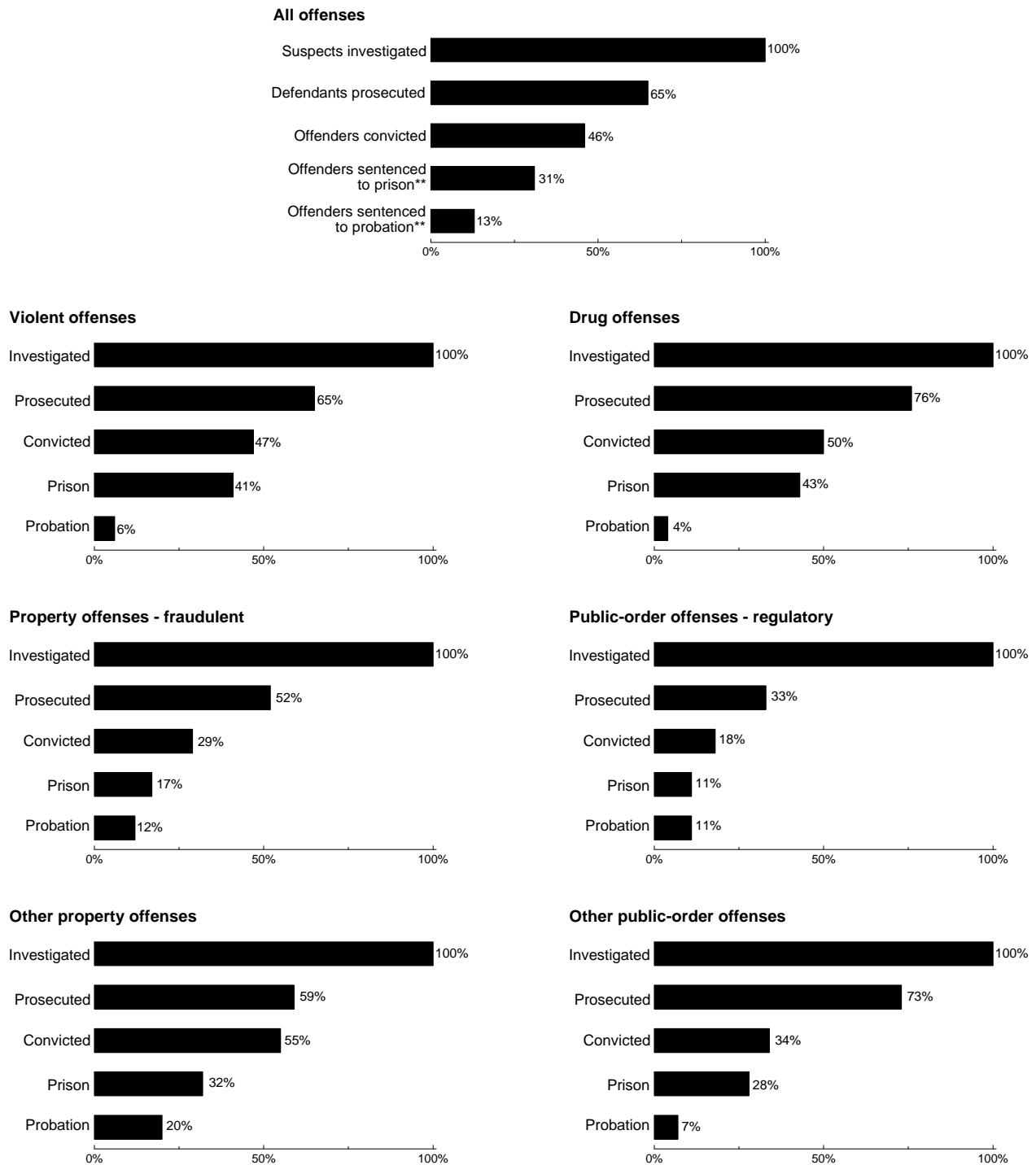


Figure S.1.

Federal criminal case processing, 1995



*Note: See "Figure S.2" in methodology, p.89.

**Prison includes split, life, indeterminate, regular, and youth sentences. Offenders not shown as sentenced to prison or probation were sentenced by magistrates or received a fine-only sentence in Federal court. Probation excludes persons sentenced to prison.

Figure S.2.

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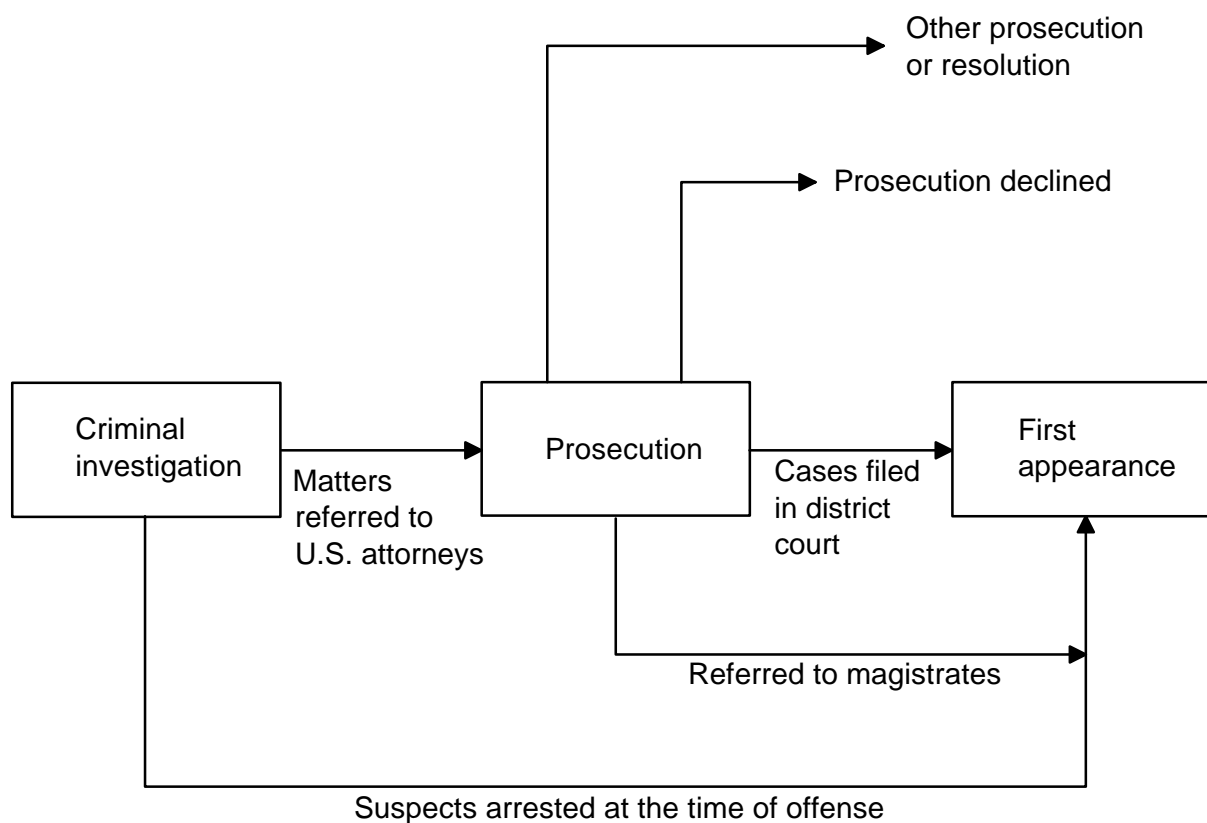
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Prosecution



Federal prosecutions

Federal criminal cases may be brought by the U.S. Attorney's Office, by the Criminal Division of the U.S. Department of Justice, or by other authorized agencies. The 93 U.S. attorneys serve as the chief federal law enforcement officers within their respective districts.

Investigations are most commonly referred to a U.S. attorney by a Federal investigative agency (primarily the Drug Enforcement Administration; the Federal Bureau of Investigation; the Postal Inspection Service; the Bureau of Alcohol, Tobacco, and Firearms; and the Secret Service), by the Criminal Division, or by a State or local investigative agency. Investigations may also be initiated — and cases brought directly — by U.S. attorneys or by the Criminal Division of the U.S. Department of Justice. This chapter reports only on suspects investigated, at least in part, by U.S. attorneys.

U.S. attorneys' decisions

After criminal investigations are initiated and criminal suspects are referred to them, U.S. attorneys may file charges against defendants in a U.S. district court, or they may decline to file these charges for reasons such as weak or insufficient evidence, minimal Federal interest, lack of resources, or lack of Federal offense or criminal intent. Matters that are declined may be referred to another authority for prosecution or be settled through alternative resolution procedures. U.S. attorneys may also file cases before U.S. magistrates, who have the authority to adjudicate misdemeanor offenses (18 U.S.C. ' 3401). Because of the relatively less serious nature of these cases and because they are handled by magistrates, U.S. attorneys consider these cases as criminal matters disposed by U.S. magistrates.

The decision to prosecute a suspect in a criminal matter depends upon a number of factors, including the Attorney General's priorities, U.S. attorney priorities and resources, laws governing each type of offense, and

Drug and violent suspects were more likely to be prosecuted than property and public-order suspects

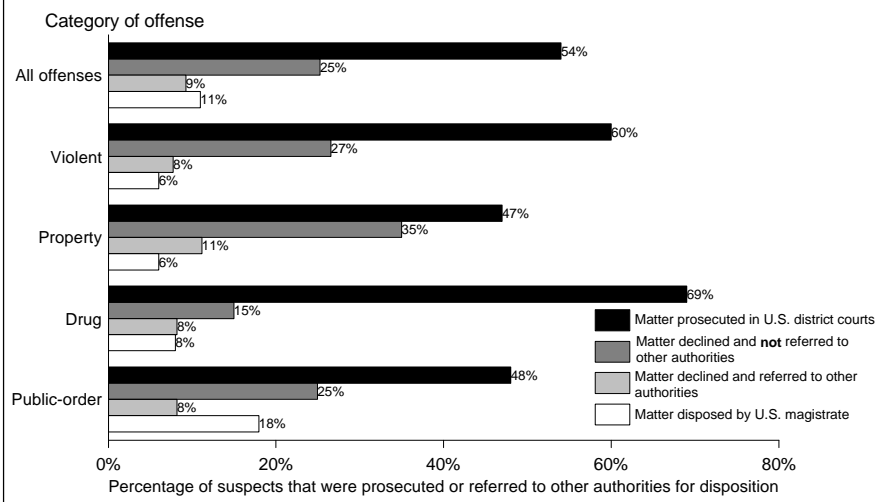


Figure 1.1. Suspects in matters concluded: Percentage of suspects that were prosecuted, declined, referred to other authorities for disposition, or disposed by U.S. magistrate, October 1, 1994–September 30, 1995

the strength of evidence in a case. Nevertheless, suspects are prosecuted at different rates depending upon their offense. During 1995 suspects involved in violent and drug offenses were more likely to be prosecuted before U.S. district court judges than were those involved in property and public-order offenses. Drug offenders were the most likely to be prosecuted (69%) and least likely to be declined for prosecution (23%) (figure 1.1). Suspects in property offenses were the least likely to be prosecuted (47%) and most likely to be declined for prosecution (46%). However, more suspects involved in property offenses had their matters referred to, or handled by, other authorities — including authorities who resolved criminal matters by restitution or by civil or administrative procedures — than did suspects involved in other types of criminal matters.

Suspects in matters received (table 1.1)

During 1995 there were 102,220 suspects in matters received by U.S.

attorneys.¹ Of these suspects, about 32% were investigated for property offenses, 31% for public-order offenses, and 31% for drug offenses. Just under 6% of all suspects were investigated for violent crimes. Relative percentages of offenses reflect criminal activity and Federal investigative, prosecutorial, and statutory priorities. For example, during 1995 priority areas for U.S. attorneys included violent crimes (including firearms prosecutions and violent street gangs), narcotics prosecutions, organized crime, national security, immigration, white collar crime, and civil rights prosecutions.²

Suspects in matters concluded (tables 1.2-1.5)

Upon receiving a matter, a U.S. attorney will either immediately decline it for prosecution or conduct further investigation, which can take from 1 hour to a few years. A matter may then be filed as a criminal case in a U.S. district court, referred to a U.S. magistrate, or declined for prosecution. Of the 102,309 suspects in

¹See Chapter notes, item 1, p. 20. The 1995 data are not directly comparable to the 1993 or prior compendia.

²Statistical Report, United States Attorneys' Offices, Fiscal Year 1995. U.S. Department of Justice, Executive Office for United States Attorneys, Washington, DC.

criminal matters concluded during 1995, 33% were investigated for property offenses, 31% for drug offenses, 30% for public-order offenses, and 5% for violent offenses (table 1.2). Of the suspects in matters concluded, 54% were prosecuted in U.S. district court, 11% were referred to U.S. magistrates, and 35% were declined for prosecution.³

Suspects prosecuted (table 1.2) — The likelihood that a suspect in a matter was prosecuted varied widely across offense categories during 1995. Those in drug and violent offenses were more likely to be prosecuted than those involved in property and public-order offenses. U.S. attorneys prosecuted approximately 69% of suspects in drug offenses, 60% of those in violent offenses, 47% of those in property offenses, and 48% of those in public-order offenses. Differences in rates of prosecution within specific categories were substantial. For example, among violent offenses, 74% of robbery suspects were prosecuted, while 63% of murder, 45% of rape, and 48% of assault suspects were prosecuted. Among property offenses, suspects investigated for counterfeiting were prosecuted at a higher rate than those involved in fraud (63% compared to 45%), and among suspects in public-order offenses, weapons, immigration, and tax law violators were much more likely to be prosecuted than suspects in bribery offenses (66%, 65%, and 66% versus 36%).

Suspects in matters declined (tables 1.2-1.4) — As with the decision to prosecute a case, the likelihood that a matter was declined for prosecution varied across offense categories. Suspects in matters involving violent offenses were less likely to be declined for prosecution (35%) than those in property offenses (47%) but more likely than those in drug offenses (24%). Suspects in public-

order offenses were only slightly less likely to be declined for prosecution than those involved in violent offenses (34% compared to 35%).

Suspects investigated for immigration offenses were the least likely (6%) to be declined for prosecution. Although matters involving suspects in civil rights cases were declined at high rates, most of them were declined because of weak evidence (29%) or departmental policy (23%), and a number were also declined due to the absence of a Federal offense (9%) and lack of criminal intent (17%) (not shown in a table).

The decision to decline prosecution is based on a number of factors, including the lack of a prosecutable offense, alternative resolution, or case- and suspect-related reasons (table 1.3). Of the 35,896 declinations during 1995, 22% occurred because there was no crime or criminal intent was lacking; 26% occurred because of case-related reasons, mostly due to weak evidence (22%); and 22% occurred for other reasons, such as minimal Federal interest (4%) and U.S. attorney policy (4%).

The U.S. attorneys also reported that 1,901 cases (5%) were declined due to lack of resources, down from 2,314 during 1994. Over half of the

declinations for lack of resources during 1995 were fraud cases, and 13% were drug offenses. Additionally, 139 racketeering and extortion cases, 74 weapons cases, and 88 embezzlement cases were declined due to a lack of resources (not shown in a table).

Not all suspects whose matters are declined for prosecution avoid prosecution. Approximately 21% of the suspects in matters declined for prosecution by U.S. attorneys were referred to another authority for prosecution (table 1.4). An additional 6% were settled through alternative resolution procedures. While suspects involved in property offenses constituted the largest number of suspects who were referred by U.S. attorneys to other authorities for prosecution or resolution (figure 1.1), of the suspects whose matters were declined, those involved in drug offenses were the most likely to be referred to other authorities for prosecution or alternative resolution (figure 1.2). Thirty-five percent of the drug suspects whose matters were declined prosecution by U.S. attorneys were referred for other prosecution or resolution, as were 25% of the public-order, 24% of the property, and 23% of violent offense suspects.

Of matters declined for prosecution, suspects in drug offenses were more likely than others to be referred to other authorities for prosecution or settled through alternative resolution procedures

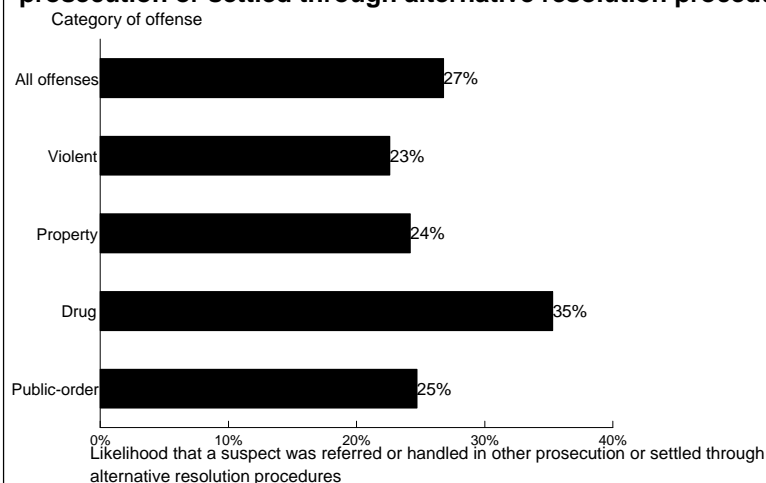


Figure 1.2. Of matters declined, percent referred or handled in other prosecution or settled through alternative resolution procedures, October 1, 1994–September 30, 1995

³The number of suspects in criminal matters concluded is not comparable to the 1993 or prior compendia. See Chapter notes, item 2, p. 20, for details.

Within major offense categories, the likelihood that suspects in matters declined for prosecution also were referred varied among specific offenses. For example, within property offenses, this occurred with 45% of persons involved in burglaries, compared to 22% of suspects in fraud offenses. Within the public-order category, 34% of suspects in weapons offenses were referred to other authorities or settled through alternative procedures, compared to 18% of suspects in racketeering and extortion offenses.

Defendants in cases concluded by U.S. magistrates (table 1.2) — Cases concluded by U.S. magistrates are, by statute, misdemeanors.⁴ Overall, U.S. magistrates disposed of about 11% of all criminal matters originally handled by U.S. attorneys. For most offenses, the likelihood that a U.S. magistrate concluded the matter was also relatively low. Exceptions included suspects in the escape and immigration offense categories. Fifty-seven percent of matters involving escape offenses and 30% of those involving immigration offenses were concluded by U.S. magistrates. Together, these two categories accounted for 38% of the 10,710 matters concluded before U.S. magistrates.

Most of the 3,672 escape violations were against defendants who absconded to avoid prosecution in State courts. These cases are normally dismissed by U.S. magistrates and turned over to the State for prosecution on the original warrant once the suspect is captured. Other types of offenses having comparatively high rates of referral to U.S. magistrates included national defense violations (14%); postal law violations (20%); and conspiracy, aiding and abetting,

traffic, and jurisdictional offenses (36%).

Processing times (table 1.5) — Overall, the average number of months from receipt of a matter to its conclusion by a U.S. attorney as a case filing or declination or its disposal by a U.S. magistrate was 10.5 months, for matters concluded during 1995. However, the time to process matters varied with the outcome of the matter. Matters concluded by U.S. magistrates in which the suspect was convicted took the least amount of time — an average of 2.1 months. Matters ultimately declined for prosecution by U.S. attorneys took the longest amount of time — an average of 18.4 months. Matters prosecuted in U.S. district court generally fell between these extremes. While the average processing time for a conviction by a U.S. magistrate was 2.1 months, at least 50% of these convictions occurred in about 3 days. Similarly, 50% of the matters declined for prosecution were declined in fewer than 13 months.

Overall, suspects in violent and drug offenses were processed more quickly than suspects in other types of offenses. For key decisions, such as whether to file a case or decline a matter for prosecution, violent offenses were concluded more quickly than drug offenses. At an average of 15.8 months, fraudulent property offenses took longer to conclude than other offenses.

⁴At the time that U.S. attorneys receive them, matters may not be classifiable as felonies or misdemeanors. By the time a U.S. magistrate disposes a case — or what the U.S. attorneys call a matter — its offense level has been determined and is, by statute, a misdemeanor.



Table 1.1. Suspects in matters received by U.S. attorneys, by offense, October 1, 1994–September 30, 1995

Most serious offense investigated ^a	Suspects in criminal matters received by U.S. attorneys	
	Number	Percent ^b
All offenses^c	102,220	100%
Violent offenses	5,720	5.7%
Murder/manslaughter ^d	430	0.4
Assault	1,211	1.2
Robbery	2,358	2.3
Rape	620	0.6
Other sex offenses ^d	643	0.6
Kidnaping	319	0.3
Threats against the President	139	0.1
Property offenses	31,759	31.5%
Fraudulent	27,836	27.6%
Embezzlement	4,433	4.4
Fraud ^d	21,518	21.3
Forgery	1,517	1.5
Counterfeiting	368	0.4
Other	3,923	3.9%
Burglary	76	0.1
Larceny ^d	1,742	1.7
Motor vehicle theft	802	0.8
Arson and explosives	792	0.8
Transportation of stolen property	173	0.2
Other property offenses ^d	338	0.3
Drug offenses	31,686	31.4%
Public-order offenses	31,668	31.4%
Regulatory	5,371	5.3%
Agriculture	452	0.4
Antitrust	63	0.1
Food and drug	178	0.2
Transportation	325	0.3
Civil rights	1,698	1.7
Communications	128	0.1
Custom laws	369	0.4
Postal laws	279	0.3
Other regulatory offenses	1,879	1.9
Other	26,297	26.1%
Weapons	5,376	5.3
Immigration offenses	7,256	7.2
Tax law violations ^d	1,348	1.3
Bribery	449	0.4
Perjury, contempt, and intimidation	671	0.7
National defense	296	0.3
Escape	4,067	4.0
Racketeering and extortion	3,610	3.6
Gambling	279	0.3
Liquor offenses	10	—
Obscene material ^d	45	—
Migratory birds	113	0.1
Conspiracy, aiding and abetting, traffic, and jurisdictional	2,509	2.5
All other offenses ^d	268	0.3
Unknown or indeterminable offense	1,387	

Note: The data in this table are not directly comparable to data in the 1993 or prior compendia; see *Chapter notes*, items 1 and 2, p. 20.

—Less than .05%.

^aSee *Chapter notes*, item 3, p. 20, and "Offense classifications" in *Methodology*, p. 89.

^bPercentage distribution based on the suspects for whom the offense category could be determined.

^cIncludes suspects for whom offense category could not be determined; see *Chapter notes*, item 4, p. 20.

^dIn this table, "Murder" includes non-negligent manslaughter.

"Other sex offenses" may include some nonviolent offenses.

"Fraud" excludes tax fraud.

"Larceny" excludes transportation of stolen property.

"Other property offenses" excludes fraudulent property offenses, and includes destruction of property and trespass.

"Tax law violations" includes tax fraud. "Obscene material" denotes the mail or transport thereof.

Table 1.2. Disposition of suspects in matters concluded, by offense, October 1, 1994–September 30, 1995

Most serious offense investigated ^a	Suspects in criminal matters concluded							
	Number				Percent			
	Total	Prosecuted in U.S. district court ^b	Declined	Disposed by U.S. magistrates	Total	Prosecuted in U.S. district court ^b	Declined	Disposed by U.S. magistrates
All offenses^c	102,309	55,703	35,896	10,710	100%	54.4%	35.1%	10.5%
Violent offenses	5,399	3,223	1,881	295	100%	59.7%	34.8%	5.5%
Murder/manslaughter ^d	428	270	140	18	100	63.1	32.7	4.2
Assault	1,212	576	507	129	100	47.5	41.8	10.6
Robbery	2,433	1,793	549	91	100	73.7	22.6	3.7
Rape	568	258	300	10	100	45.4	52.8	1.8
Other sex offenses ^d	320	137	169	14	100	42.8	52.8	4.4
Kidnaping	298	150	126	22	100	50.3	42.3	7.4
Threats against the President	140	39	90	11	100	27.9	64.3	7.9
Property offenses	33,888	15,918	15,927	2,043	100%	47.0%	47.0%	6.0%
Fraudulent	29,861	13,858	14,260	1,743	100%	46.4%	47.8%	5.8%
Embezzlement	4,676	2,302	1,966	408	100	49.2	42.0	8.7
Fraud ^d	23,139	10,424	11,575	1,140	100	45.0	50.0	4.9
Forgery	1,708	918	609	181	100	53.7	35.7	10.6
Counterfeiting	338	214	110	14	100	63.3	32.5	4.1
Other	4,027	2,060	1,667	300	100%	51.2%	41.4%	7.4%
Burglary	78	54	21	3	100	69.2	26.9	3.8
Larceny ^d	1,716	995	558	163	100	58.0	32.5	9.5
Motor vehicle theft	861	401	405	55	100	46.6	47.0	6.4
Arson and explosives	770	378	371	21	100	49.1	48.2	2.7
Transportation of stolen property	157	87	63	7	100	55.4	40.1	4.5
Other property offenses ^d	445	145	249	51	100	32.6	56.0	11.5
Drug offenses	31,261	21,445	7,360	2,456	100%	68.6%	23.5%	7.9%
Public-order offenses	30,861	14,809	10,359	5,693	100%	48.0%	33.6%	18.4%
Regulatory	5,264	1,509	3,531	224	100%	28.7%	67.1%	4.3%
Agriculture	419	234	163	22	100	55.8	38.9	5.3
Antitrust	43	27	16	0	100	62.8	37.2	0
Food and drug	182	106	63	13	100	58.2	34.6	7.1
Transportation	335	120	206	9	100	35.8	61.5	2.7
Civil rights	1,904	96	1,806	2	100	5.0	94.9	0.1
Communications	136	31	99	6	100	22.8	72.8	4.4
Custom laws	360	164	179	17	100	45.6	49.7	4.7
Postal laws	275	147	72	56	100	53.5	26.2	20.4
Other regulatory offenses	1,610	584	927	99	100	36.3	57.6	6.1
Other	25,597	13,300	6,828	5,469	100%	52.0%	26.7%	21.4%
Weapons	5,732	3,758	1,784	190	100	65.6	31.1	3.3
Immigration offenses	6,660	4,305	366	1,989	100	64.6	5.5	29.9
Tax law violations ^d	1,329	881	419	29	100	66.3	31.5	2.2
Bribery	550	196	328	26	100	35.6	59.6	4.7
Perjury, contempt, and intimidation	673	283	343	47	100	42.1	51.0	7.0
National defense	254	123	96	35	100	48.4	37.8	13.8
Escape	3,672	824	754	2,094	100	22.4	20.5	57.0
Racketeering and extortion	3,760	1,591	2,005	164	100	42.3	53.3	4.4
Gambling	344	209	134	1	100	60.8	39.0	0.3
Liquor offenses	11	4	7	0	100	36.4	63.6	0
Obscene material ^d	59	19	40	0	100	32.2	67.8	0
Migratory birds	113	36	51	26	100	31.9	45.1	23.0
Conspiracy, aiding and abetting, traffic, and jurisdictional offenses	2,321	1,037	445	839	100	44.7	19.2	36.1
All other offenses ^d	119	34	56	29	100	28.6	47.1	24.4
Unknown or indeterminable offense	900	308	369	223	100%	34.2%	41.0%	24.8%

Note: The data in this table are not directly comparable to data in the 1993 or prior compendia; see *Chapter notes*, items 1 and 2, p. 20.

^aSee *Chapter notes*, item 3, p. 20, and "Offense classifications" in *Methodology*, p. 89.

^bThe suspects included in this column are limited to those whose cases were filed in U.S. district court before U.S. district court judges. These data are not directly comparable to the number in the 1993 or prior compendia, which included appeals cases handled by U.S. attorneys; see *Chapter notes*, item 2, p. 20.

^cIncludes suspects for whom offense category could not be determined; see *Chapter notes*, item 4, p. 20.

^dIn this table, "Murder" includes nonnegligent manslaughter.

"Other sex offenses" may include some nonviolent offenses.

"Fraud" excludes tax fraud.

"Larceny" excludes transportation of stolen property.

"Other property offenses" excludes fraudulent property offenses, and includes destruction of property and trespass.

"Tax law violations" includes tax fraud.

"Obscene material" denotes the mail or transport thereof.

Table 1.3. Basis for declination of prosecution by U.S. attorneys, October 1, 1994–September 30, 1995

Basis for declination	Suspects in criminal matters declined by U.S. attorneys	
	Number	Percent ^a
Total declinations^b	35,896	100%
No crime	7,773	22.0%
No true bill returned	39	0.1
No Federal offense	3,039	8.6
Lack of criminal intent	4,695	13.3
Referred or handled in other prosecution	7,351	20.8%
Removed	1,167	3.3
Prosecuted on other charges	2,002	5.7
Prosecuted by other authorities	4,182	11.8
Alternative resolution	2,124	6.0%
Restitution	174	0.5
Civil or administrative alternative	913	2.6
Pretrial diversion	1,037	2.9
Suspect-related reasons	933	2.6%
Suspect serving sentence	128	0.4
No known suspect	393	1.1
Suspect a fugitive	95	0.3
	225	0.6
Suspect deported	92	0.3
Case-related reasons	9,322	26.4%
State case	629	1.8
Weak evidence	7,798	22.1
Statute of limitations exceeded	188	0.5
Jurisdiction or venue problems	289	0.8
Witness problems	418	1.2
All other reasons	7,835	22.2%
Minimal Federal interest	1,556	4.4
Petite policy	134	0.4
Lack of resources	1,901	5.4
Financial privacy act	3	—
Tax reform act	1	—
Court policy	7	—
DOJ policy	562	1.6
U.S. attorney policy	1,333	3.8
Agency request	1,857	5.3
Juvenile suspect	73	0.2
Offender's health, age, prior record, or other personal circumstances	124	0.4
Suspect's cooperation	280	0.8
Motion hearings	4	—
Unknown or indeterminable reason	558	

Note: For further information, see *Chapter notes*, items 1 and 2, p. 20.

—Less than .05%

^aPercent based on suspects for whom a basis for declination could be determined.

^bIncludes suspects for whom basis for declination could not be determined; *Chapter notes*, item 4, p.20.

Table 1.4. Disposition of matters declined for prosecution by U.S. attorneys, by offense, October 1, 1994–September 30, 1995

Most serious offense investigated ^a	Number of suspects in declined matters				Percent of suspects in declined matters			
	Total ^b	Referred or handled in other prosecution ^c	Resolved with restitution, civil/ administrative procedure, pre-trial diversion	Other	Total ^b	Referred or handled in other prosecution ^c	Resolved with restitution, civil/ administrative procedure, pre-trial diversion	Other
All offenses^d	35,896	7,351	2,124	25,863	100%	20.8%	6.0%	73.2%
Violent offenses	1,881	355	63	1,433	100%	19.2%	3.4%	77.4%
Murder/manslaughter ^e	140	18	1	121	100	12.9	0.7	86.4
Assault	507	56	31	415	100	11.2	6.2	82.7
Robbery	549	150	10	384	100	27.6	1.8	70.6
Rape	300	37	6	242	100	13.0	2.1	84.9
Other sex offenses ^e	169	47	12	106	100	28.5	7.3	64.2
Kidnaping	126	42	0	84	100	33.3	0	66.7
Threats against the President	90	5	3	81	100	5.6	3.4	91.0
Property offenses	15,927	2,270	1,514	11,860	100%	14.5%	9.7%	75.8%
Fraudulent	14,260	1,962	1,406	10,658	100%	14.0%	10.0%	76.0%
Embezzlement	1,966	208	394	1,343	100	10.7	20.3	69.0
Fraud ^e	11,575	1,626	913	8,838	100	14.3	8.0	77.7
Forgery	609	96	92	409	100	16.1	15.4	68.5
Counterfeiting	110	32	7	68	100	29.9	6.5	63.6
Other	1,667	308	108	1,202	100%	19.0%	6.7%	74.3%
Burglary	21	7	1	10	100	38.9	5.6	55.6
Larceny ^e	558	92	53	394	100	17.1	9.8	73.1
Motor vehicle theft	405	130	7	257	100	33.0	1.8	65.2
Arson and explosives	371	63	10	289	100	17.4	2.8	79.8
Transportation of stolen property	63	9	0	48	100	15.8	0	84.2
Other property offenses ^e	249	7	37	204	100	2.8	14.9	82.3
Drug offenses	7,360	2,470	97	4,688	100%	34.0%	1.3%	64.6%
Public-order offenses	10,359	2,101	422	7,699	100%	20.6%	4.1%	75.3%
Regulatory	3,531	382	176	2,935	100%	10.9%	5.0%	84.0%
Agriculture	163	43	23	90	100	27.6	14.7	57.7
Antitrust	16	2	0	14	100	12.5	0	87.5
Food and drug	63	13	6	44	100	20.6	9.5	69.8
Transportation	206	27	13	162	100	13.4	6.4	80.2
Civil rights	1,806	81	49	1,665	100	4.5	2.7	92.8
Communications	99	9	10	77	100	9.4	10.4	80.2
Custom laws	179	26	15	134	100	14.9	8.6	76.6
Postal laws	72	8	17	47	100	11.1	23.6	65.3
Other regulatory offenses	927	173	43	702	100	18.8	4.7	76.5
Other	6,828	1,719	246	4,764	100%	25.5%	3.7%	70.8%
Weapons	1,784	570	28	1,150	100	32.6	1.6	65.8
Immigration offenses	366	59	16	280	100	16.6	4.5	78.9
Tax law violations ^e	419	53	11	353	100	12.7	2.6	84.7
Bribery	328	15	30	279	100	4.6	9.3	86.1
Perjury, contempt, and intimidation	343	42	21	273	100	12.5	6.3	81.3
National defense	96	9	6	81	100	9.4	6.3	84.4
Escape	754	488	8	255	100	65.0	1.1	34.0
Racketeering and extortion	2,005	324	35	1,620	100	16.4	1.8	81.9
Gambling	134	33	6	94	100	24.8	4.5	70.7
Liquor offenses	7	0	0	7	100	—	—	—
Obscene material ^e	40	13	2	21	100	36.1	5.6	58.3
Migratory birds	51	5	22	24	100	9.8	43.1	47.1
Conspiracy, aiding and abetting, traffic, and jurisdictional offenses	445	85	60	296	100	19.3	13.6	67.1
All other offenses ^e	56	23	1	31	100	41.8	1.8	56.4
Unknown or indeterminable offense	369	155	28	183	100%	42.3%	7.7%	50.0%

Note: For further information, see *Chapter notes*, items 1 and 2, p. 20.

—Too few cases to obtain statistically reliable data.

^aSee *Chapter notes*, item 3, p. 20, and "Offense classifications" in *Methodology*, p. 89.

^bIncludes 558 suspects for whom reason for declination could not be determined.

^cIncludes suspects in matters removed, prosecuted on other charges, prosecuted by other authorities, complaints filed with other indictments, youthful offenders, and those transferred to State authority.

^dIncludes suspects for whom offense category could not be determined; see *Chapter notes*, item 4, p. 20.

^eIn this table, "Murder" includes nonnegligent manslaughter.

"Other sex offenses" may include some nonviolent offenses.

"Fraud" excludes tax fraud.

"Larceny" excludes transportation of stolen property.

"Other property offenses" excludes fraudulent property offenses, and includes destruction of property and trespass.

"Tax law violations" includes tax fraud.

"Obscene material" denotes the mail or transport thereof.

Table 1.5. Mean and median processing times from receipt to filing or declination, by offense, October 1, 1994–September 30, 1995

Most serious offense investigated ^a	Number of months from receipt of matter to decision						
	Disposed by U.S. magistrate				Concluded by U.S. attorney		
	All suspects	Total	Convicted	Not convicted	Total	Prosecuted in U.S. district court ^b	Declined
Mean							
All offenses^c	10.5 mo	8.2 mo	2.1 mo	11.4 mo	10.7 mo	5.7 mo	18.4 mo
Violent offenses	6.9	10.6	2.2	12.3	6.7	3.5	12.2
Property offenses	15.3	11.1	4.2	14.4	15.5	9.2	21.7
Fraudulent offenses ^d	15.8	11.3	4.0	14.9	16.1	9.6	22.2
Other offenses ^e	11.3	9.6	5.4	11.4	11.4	6.4	17.5
Drug offenses	7.1	8.9	2.1	11.3	6.9	3.8	15.9
Public-order offenses	9.3	7.0	1.5	10.8	9.9	5.1	16.5
Regulatory offenses	13.1	10.1	8.7	10.8	13.2	7.9	15.3
Other offenses	8.6	6.9	1.2	10.8	9.0	4.8	17.1
Median							
All offenses^c	3.1 mo	1.0 mo	0.1 mo	1.6 mo	3.6 mo	0.9 mo	13.0 mo
Violent offenses	1.7	1.2	0.4	1.3	1.7	0.8	8.0
Property offenses	8.6	2.1	1.4	3.0	9.2	3.3	16.6
Fraudulent offenses ^d	9.2	2.0	1.2	3.1	9.8	3.7	17.2
Other offenses ^e	5.1	2.5	2.8	1.9	5.3	1.6	13.1
Drug offenses	1.0	0.8	1.0	0.7	1.0	0.7	10.6
Public-order offenses	2.2	0.9	—	2.3	2.8	0.8	11.0
Regulatory offenses	7.6	3.9	2.3	5.3	7.9	1.9	10.2
Other offenses	1.5	0.9	—	2.3	1.9	0.8	11.5
Number of suspects^f	99,571	10,251	3,536	6,715	89,320	53,719	35,601
With unknown or indeterminable offense or processing time	3,638	682	264	418	2,956	2,292	664

Note: The data in this table are not directly comparable to data in the 1993 or prior compendia; see *Chapter notes*, items 1 and 2, p. 20.

—Fewer than 3 days.

^aSee *Chapter notes*, item 3, p.16, and "Offense classifications" in *Methodology*, p. 89.

^bThe suspects included in this column are limited to those whose cases were filed in U.S. district court before U.S. district court judges. These data are not directly comparable to the number in the 1993 or prior compendia, which included appeals cases handled by U.S. attorneys; see *Chapter notes*, item 2, p. 20.

^cIncludes suspects for whom offense category could not be determined; see *Chapter notes*, item 4, p. 20.

^dExcluding tax fraud.

^eIncluding tax fraud.

^fExcludes suspects with insufficient data to determine processing time.

1) Tables 1.1- 1.5 were created from the Central System data files of the EOUSA. For table 1.1, only records which showed a matter received during fiscal year 1995 were selected. For tables 1.2-1.5, only records which show a matter terminated by reason of declination, disposition by a U.S. magistrate, or filed as a case in U.S. district court from October 1, 1994, through September 30, 1995, were selected. In all of these tables, matters "declined immediately" were excluded.

2) The number of suspects in matters investigated in table 1.1, and the number of suspects in matters concluded in tables 1.2 and 1.5 are not directly comparable to previous compendia counts. In prior years, these statistics included appellants in appeals filed or appeals terminated. In table 1.1 of this Compendium, the number of suspects in matters received is limited to suspects in criminal matters that were filed as cases in U.S. district courts, handled by U.S. magistrates, or declined for prosecution. In the 1993 and prior compendia, the number of suspects in criminal matters received included individuals in those criminal appeals which involved U.S. attorneys. To obtain a number of suspects that is comparable to the statistic reported in the 1993 and prior compendia, add to the data in table 1.1 of this Compendium, the number of appellants in appeals filed which were handled by U.S. attorneys. The table below shows these data for the major offense categories.

Nature of the underlying offense	Number of appellants in appeals filed & handled by U.S. attorneys
All offenses	9,216
Violent offenses	697
Property offenses	1,784
Fraudulent property	1,527
Other property	257
Drug offenses	4,435
Public-order offenses	2,213
Regulatory public order	142
Other public order	2,071

Unknown or indeterminate offenses

87

In tables 1.2 and 1.5 of this Compendium, the number of suspects in matters concluded also is limited to those suspects whose matters were concluded by a case filing in a U.S. district court, by declination, or by disposition by a U.S. magistrate. In the 1993 and prior compendia, this number included appellants in criminal appeals terminated.

To obtain a number that is comparable to the number reported in these earlier compendia, the number of appellants in appeals terminated and handled by U.S. attorneys needs to be added to the totals in table 1.2. The table below shows the number of appellants in appeals cases terminated during fiscal year 1995.

Nature of the underlying offense	Number of appellants in appeals concluded by U.S. attorneys
All offenses	9,209
Violent offenses	652
Property offenses	1,779
Fraudulent property	1,452
Other property	327
Drug offenses	4,601
Public-order offenses	2,123
Regulatory public order	135
Other public order	1,988
Unknown or indeterminate offenses	54

3) Offenses in the Central System data files are classified by the title and section of the United States Code for the most serious offense investigated, as determined by the assistant U.S. attorney responsible for the matter. For tables in this compendium, these citations were translated into the corresponding four-digit offense codes used by the Administrative Office of the United States Courts (AOUSC). These four-digit codes were then aggregated into the categories shown in the tables. U.S. Code citations often do not permit detailed classification of drug offenses by type of criminal activity involved. A person charged with conspiracy is

classified under the substantive offense alleged (for example, conspiracy to defraud is classified as a fraud) unless the type of conspiracy cannot be determined from the U.S. Code citation. Unclassified conspiracies are included among "conspiracy, aiding and abetting, traffic, and jurisdictional offenses" in tables 1.1, 1.2, 1.4, and 1.5.

The most serious offense investigated is based on the criminal lead charge as determined by the assistant U.S. attorney responsible for the criminal matter.

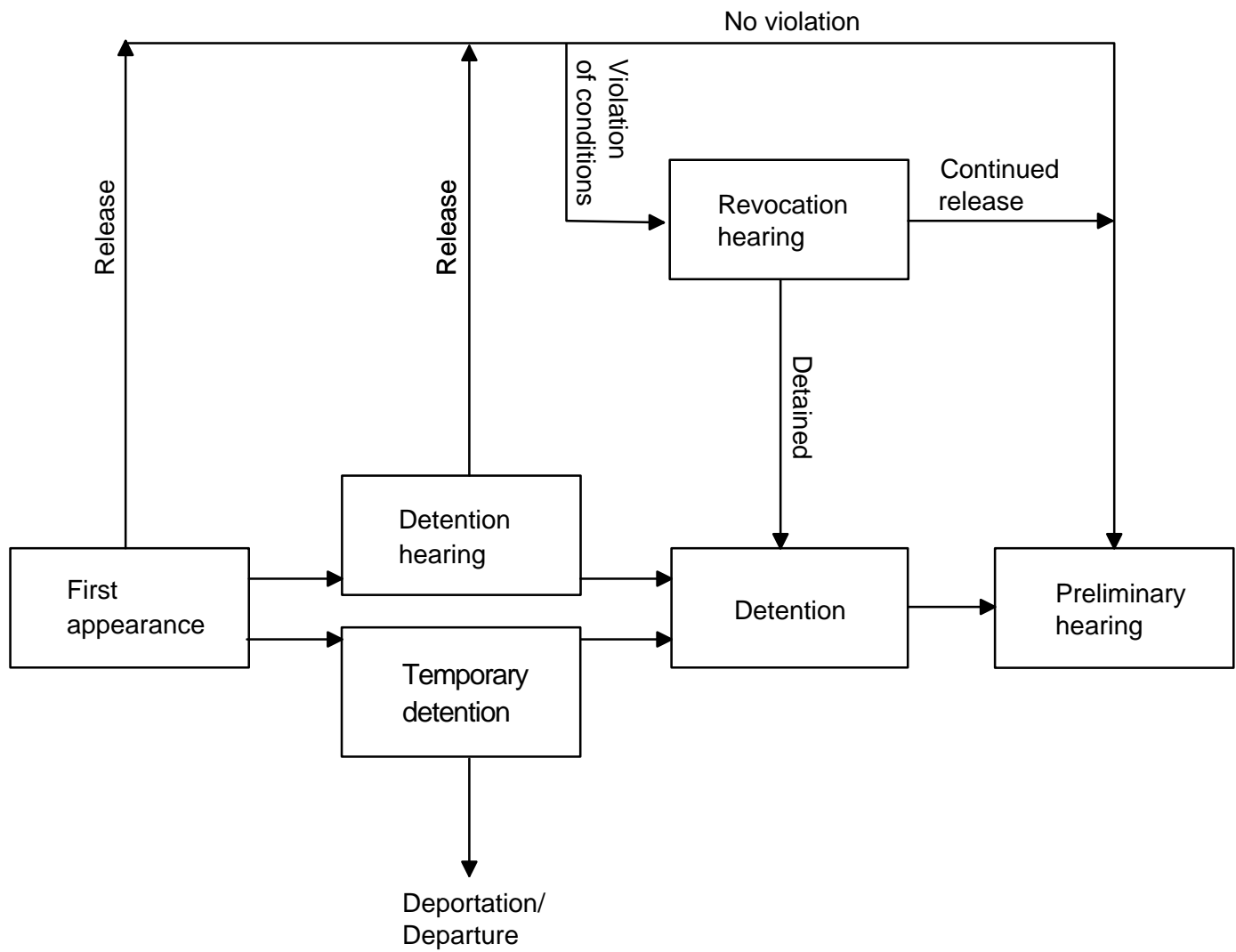
4) In the tables in this chapter, the "all offenses" row or "total declinations" row (in table 1.3) includes records whose offense category (basis for declination) is missing or indeterminate. The percentage distributions in these tables, however, are based on the number of observations with non-missing offenses (basis for declination) values. The number of missing values are reported either on a separate line or in a footnote.

Discussion 23**Tables***October 1, 1994–September 30, 1995*

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Chapter notes 36

Pretrial release



The Bail Reform Act of 1984 (18 U.S.C. § 3141) sets the terms for release and detention of defendants facing charges in Federal courts. At the time defendants first appear before a judicial officer, they may be (1) released on personal recognizance or unsecured bond; (2) released subject to conditions imposed by the court, possibly including traditional bail; (3) temporarily detained without bail (limited to 10 working days) to permit deportation, exclusion, or the revocation of previously granted conditional release; or (4) detained without bail after a hearing.¹

Federal defendants may be detained without bail if charged with specified categories of offenses, or if it is determined at a special hearing that no financial or other conditions will reasonably assure the required appearance of the person and/or guarantee the safety of any other person in the community. Defendants not detained under these criteria must be released, either on personal recognizance, unsecured bond, or such conditions as are necessary to assure their appearance at trial and the public safety.² The law explicitly states that the court may not impose a financial condition that results in the pretrial detention of the person.

According to statute, a defendant must be brought before a judicial officer without “unnecessary delay” upon arrest. The judicial officer, who may be a judge but is generally a U.S. magistrate, determines whether the defendant will be released or detained prior to trial. If a hearing is required, the release decision may be delayed no longer than 3 days (or 5 days if requested by the defendant).

Release procedures

Defendants may be released at any time before trial. Some defendants, therefore, are detained for a time and then released before trial. This generally occurs when an appeal results in a lowering of bail conditions or the

defendant requires additional time to arrange compliance with the originally set terms of release. Defendants who have been detained prior to their release are included in tabulations of both defendants detained and defendants released.

Types of pretrial release

Defendants may be released without financial conditions according to the following:

Personal recognizance — defendant is released subject to no financial or other conditions.

Unsecured bond — no money is required to be posted before release, but defendant is liable for full bail amount if he or she fails to appear.

Conditional release — any combination of restrictions that are deemed necessary to guarantee the defendant’s appearance at trial or the safety of the community. Non-financial conditions commonly place restrictions on the defendant’s movements, associations, and/or actions. They may also involve employment, education, or treatment for medical, psychological, or substance abuse conditions.

Defendants may also be released on financial conditions. Financial conditions include (1) deposit bond (the defendant is required to post a percentage of the total bail amount, usually 10%), (2) surety bond (the defendant is released subject to guarantees by a third person that the full amount will be paid), or (3) collateral bond (collateral equal to the full bail amount required to be posted by the defendant before release). Financial conditions may occur in combination with non-financial conditions.

Factors relating to release or detention

In deciding whether to release a defendant and in setting release conditions, the court is directed to consider the nature and circumstances of the offense charged, the weight of evidence against the defendant, the defendant’s character, physical and mental condition, family ties,

employment, financial resources, length of residence in the community, community ties, past conduct, history relating to drug or alcohol abuse, criminal history, and record concerning appearance at court proceedings.

During 1995, 26,380 defendants were released prior to trial (table 2.1). Those defendants released made up nearly 58% of 45,635 defendants who terminated pretrial services during 1995. Of the defendants released, 84% completed pretrial services without violating the conditions of their release (table 2.8). By comparison, during 1994, 27,607 of 45,584 defendants were released, and 85% of those released completed pretrial services without violating the conditions of their release.

In 1995, 27,004 defendants were detained for some period of time prior to the disposition of their case (table 2.3). Those defendants detained comprised about 59% of all defendants who terminated pretrial services during 1995. Included are those who were detained prior to having a preliminary hearing with the magistrate, at which point they could have been either released or ordered to have a detention hearing. Of the 27,004 defendants detained, 52% were denied bail, which guaranteed that they would remain detained through their case disposition. In 1994, 26,299 defendants were detained, about 58% of those who terminated pretrial services. Fifty-four percent of those defendants detained were denied bail in 1994.

Pretrial detention hearings were held for 18,935 defendants. Of these, 13,955, or 74%, were ordered detained (table 2.5). In 1994, 18,608 defendants had pretrial detention hearings, and more than 75% were detained.

Of the 26,380 defendants released prior to trial, 16% violated a condition of their release (table 2.7). The majority (76%) of these violations were technical violations of the bail conditions. Defendants released on financial conditions were more likely (22%) than other defendants to incur

¹18 U.S.C. § 3142(e) (1984)

²18 U.S.C. § 3142(c) (1984)

some violation of the conditions of their release (table 2.8). Conversely, defendants given conditional release violated their release at the lowest rate (4%). Nearly 6% of all released defendants had their release revoked.

Pretrial outcomes by offense categories

Releases (table 2.1) — Defendants charged with violent offenses were less likely than other defendants to be released prior to criminal trial — only 38% were released during 1995 (the first column series in figure 2.1). However, among violent defendants, the likelihood of release varied greatly; 20% of those charged with robbery were released compared to 72% of those charged with rape and 67% of those charged with assault. The least likely to be released were defendants charged with threatening the President (28%), immigration offenses (25%), kidnapping (24%), escape (20%), and robbery (20%). Persons accused of murder (43%) or threatening the President were more likely to be released than persons accused of immigration violations.

Property defendants made up the largest part of those defendants who were released, while drug defendants made up the largest part of those defendants who were detained (figure 2.2). Defendants investigated for violent offenses composed the smallest part of defendants in both groups.

About half of all drug defendants were released. Drug defendants charged with trafficking were less likely to be released than those charged with non-trafficking offenses (47% compared to 61%), but defendants charged with trafficking offenses outnumbered those charged with non-trafficking offenses by nearly 5 to 1. This represents a significant change in the make-up of drug defendants; in 1994, drug trafficking charges outnumbered all other drug-related charges by nearly 8 to 1.

The release types for those defendants who were released prior to trial varied among offense categories

Defendants charged with violent offenses were less likely than other defendants to be released prior to trial

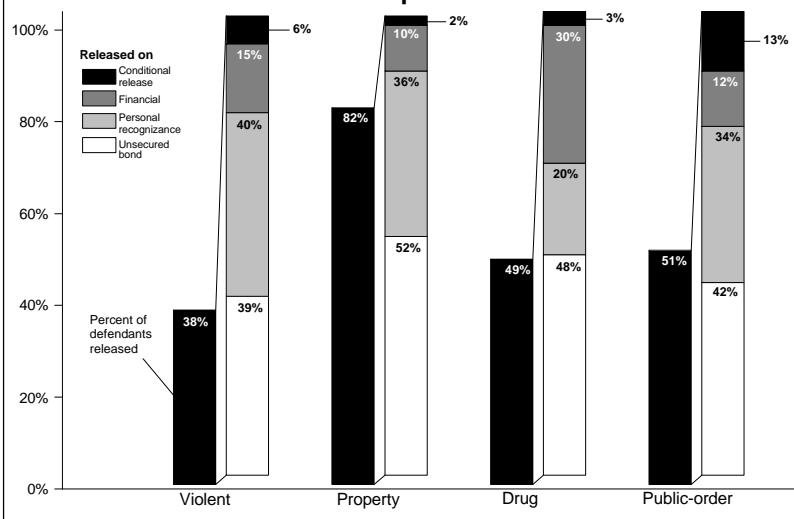


Figure 2.1. Percent of defendants released and type of release for defendants released prior to case disposition, October 1, 1994–September 30, 1995

(figure 2.1). Within each offense category, the highest percentage of defendants released was on unsecured bond, except for violent defendants. Of the 38% of violent defendants released, 39% were released on unsecured bond and 40% on personal recognizance compared to the 82% property offenders released, where 52% were released on unsecured bond and 36% on personal recognizance.

Detentions (tables 2.3-2.6) — Defendants charged with violent offenses were more likely to be detained (78%) than other defendants (table 2.3, figure 2.3). Violent defendants were also more likely to be denied bail (66% of those detained). Of defendants charged with drug offenses, 76% were detained, and of those detained, 55% were denied bail. Property and public-order defendants were less likely to be detained than violent and drug defendants — 60%

Property defendants made up the largest part of those released, while drug defendants made up the largest part of those detained

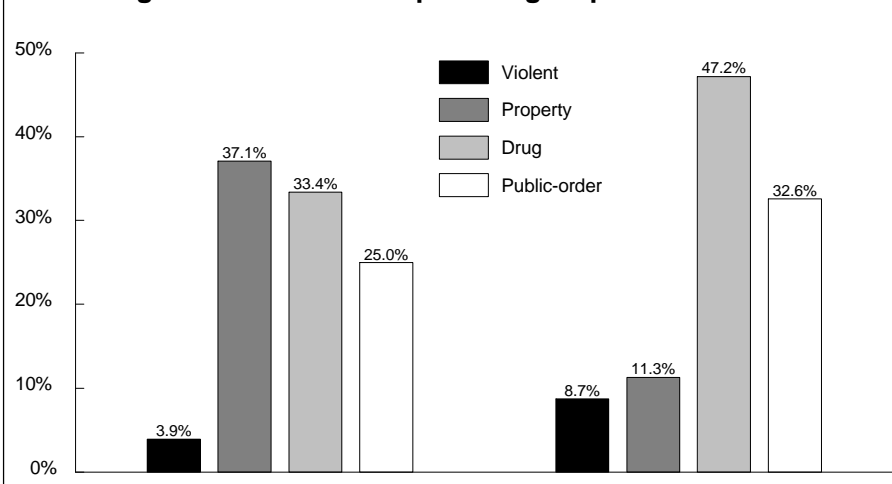


Figure 2.2. Composition of defendants released and detained, by offense category, October 1, 1994–September 30, 1995

of public-order and 30% of property defendants were detained. Of those defendants detained, 49% of public-order and 40% of property defendants were denied bail. Of public-order defendants, those charged with immigration offenses were the most likely to be detained (86%).

For 64% of defendants charged with violent offenses, it was decided at the preliminary hearing that a detention hearing was warranted (table 2.5, figure 2.4). This rate varied by offense category, as 58% of those charged with drug-related offenses, 36% of those charged with public-order offenses, and 19% of those charged with property offenses were ordered to have a detention hearing. Of those charged with violent offenses, the most likely to have a pretrial detention hearing were those charged with murder, kidnaping, robbery, or threats against the President. The least likely were those charged with sex offenses other than rape.

However, given that a defendant was ordered to have a detention hearing, the chances of being detained were less variable across offense categories (figure 2.4). Of the 64% of defendants charged with violent offenses and given a pretrial detention hearing, 80% were ordered detained. By comparison, 84% were ordered detained in 1994. In 1995, the highest rate of defendants ordered detained were those charged with public-order offenses (81%). Seventy-one percent of those charged with drug-related offenses and 64% of those charged with property offenses were ordered detained.

Violations (table 2.7) — Of defendants released prior to trial and terminating pretrial services during 1995, those charged with drug offenses were more likely (26%) than other defendants to incur at least one violation during the release period. Those charged with public-order offenses were less likely (11%) to violate conditions of their release. Those charged with violent offenses were more likely to have their release revoked (10%), and those charged with

Defendants charged with violent offenses were more likely than other defendants to be detained and, once detained, to be denied bail

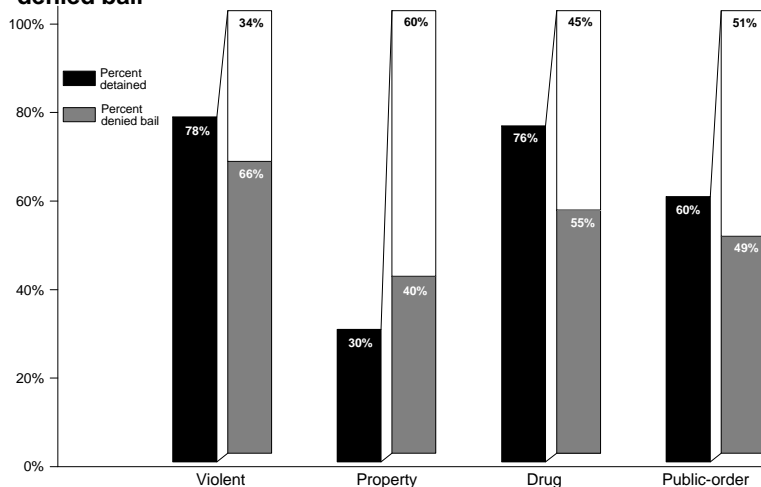


Figure 2.3. Form of pretrial detention, by offense category, October 1, 1994–September 30, 1995

property offenses were less likely to have their release revoked (3%).

Pretrial outcomes across demographic groups

Releases (table 2.2) — Females were more likely (80%) than males (54%) to be released during 1995 (figure 2.5). Males had nearly twice the chance of having a financial condition imposed on them as did females (19% versus 11%). Sixty-eight percent of all defendants identified as

non-Hispanic were released during 1995 compared to 36% of Hispanics. Non-Hispanic releases had greater than twice the chance of being released on personal recognizance.

The higher the education level of the defendant, the greater the probability of release. About half the defendants with less than a high school education were released during 1995 while 82% of those who had completed college were released. Releasees with a college degree were less likely

Defendants charged with violent offenses were more likely to be detained after a hearing, and those charged with property offenses, less likely

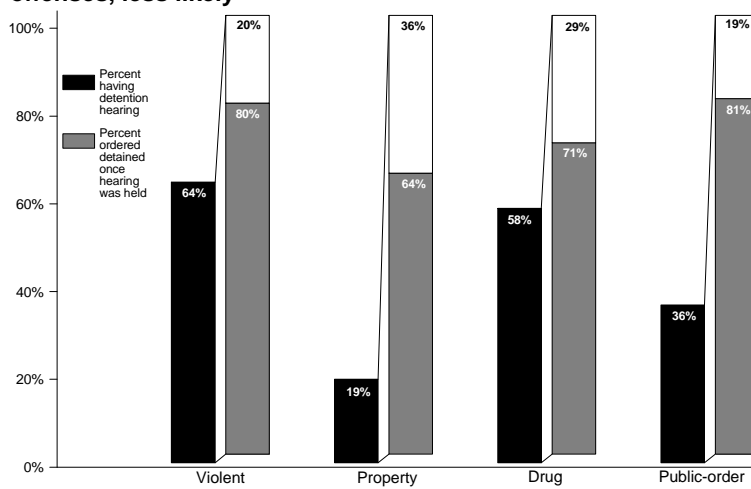


Figure 2.4. Detention hearings held and outcome of detention hearing, by offense category, October 1, 1994–September 30, 1995

to receive financial conditions (15%) and slightly more likely to be released on personal recognizance (34%) than their counterparts who had less education.

Defendants with a known history of drug abuse were released less frequently than those defendants with no known drug history. However, among all released defendants, drug abuse history does not appear to have had a major effect on the form of pretrial release.

Detentions (tables 2.4 and 2.6) — Males were nearly twice as likely as females to be detained (table 2.4). Of all detainees, 53% of the men and 42% of the women were denied bail. Hispanics were also nearly twice as likely as non-Hispanics to be detained. However, among detainees, Hispanics had a 48% chance and non-Hispanics a 55% chance of being denied bail.

Younger defendants were more likely than older ones to be detained. Sixty-five percent of defendants between 16 and 18 years were detained compared to 43% of those over 40. However, among all defendants detained, the chances of being denied bail were similar across all age groups. These patterns were more dramatic with education level. Those defendants with lower levels of education were more likely to be detained and denied bail. Seventy-two percent of those who did not graduate from high school were detained versus 31% of college graduates. Of those detained, 53% of defendants without a high school diploma were denied bail compared to 45% of college graduates.

Not only were male defendants nearly twice as likely as female defendants to have a detention hearing (45% versus 25%), they were also more likely to be ordered detained as a result of the hearing (table 2.6). Blacks had a higher chance of having a detention hearing (49%) than those of other races (38% for whites, 42% for other). Blacks were also slightly more likely to be ordered detained as a result of their detention hearing.

Males, Hispanics, unemployed defendants, and defendants with a history of drug abuse were less likely to be released

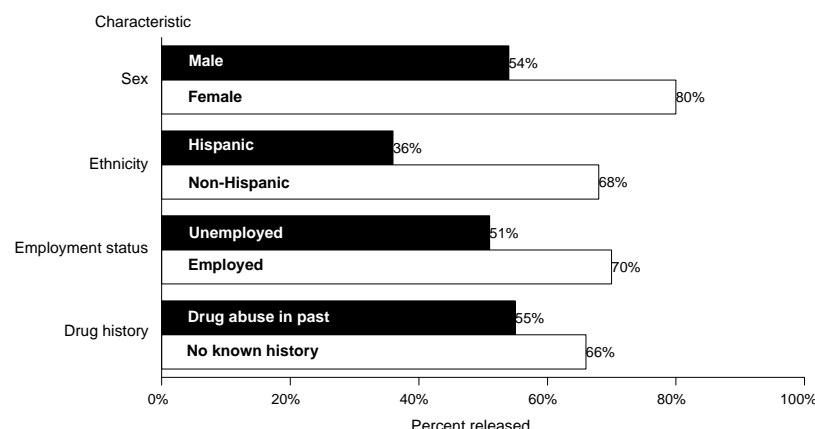


Figure 2.5. Pretrial release rates, by defendant characteristics, October 1, 1994–September 30, 1995

The likelihood of having a detention hearing increased with the number of prior convictions, severity of the defendant's criminal history, and current sentence of supervision. Further, 49% of those with a history of drug abuse had detention hearings compared to 37% of those without such a past. Those with a known history of drug abuse were also more likely to be ordered detained.

Violations (table 2.9) — Released males were more likely than females to incur a violation during the pretrial release period (18% versus 12%) and were also more likely to have their release revoked. Defendants with no prior criminal history were less likely to have a pretrial release violation than those with a prior conviction. Among defendants having prior convictions, those previously convicted for violent crimes were most likely to incur a violation (30%). Released defendants with a known drug history had almost 3 times the likelihood of incurring a violation as those with no known drug history. Also, those with a history of drug use were more likely to have their release revoked.

Length of pretrial detention (table 2.10) — Among defendants detained for any time prior to case disposition, those charged with drug offenses

were detained the longest (an average of 77.5 days) compared to violent offenders (75.3 days), property offenders (49.7 days), and public-order offenders (47.5 days).

Overall, defendants released on personal recognizance spent the greatest average number of days detained (51.7) compared to defendants released on unsecured bond (42.2 days), financial conditions (38.9 days), and conditional release (35.6 days). However, this trend changes across major offense categories. For defendants charged with drug offenses, those released on conditional release spent the greatest average number of days detained (82.7) compared to personal recognizance (59.4 days), unsecured bond (41.1 days), and financial conditions (40.3 days).

Of defendants not released, those denied bail were detained longer, on average, than those held on financial conditions (121.0 days compared to 72.6 days).

Table 2.1. Type of pretrial release, by offense, October 1, 1994–September 30, 1995

Most serious offense charged	Percent released	Of defendants released at any time prior to case disposition, percent released on—				Number of defendants	
		Financial ^a	Unsecured bond	Personal recognizance	Conditional release	Released	All defendants
All offenses^b	57.8%	17.2%	47.5%	30.2%	5.2%	26,380	45,635
Violent offenses	38.4%	14.8%	39.4%	39.8%	6.0%	1,040	2,706
Murder ^c	43.2	20.3	27.8	45.6	6.3	79	183
Negligent manslaughter	—	...	—	—	...	6	8
Assault	66.6	8.1	40.2	43.9	7.8	396	595
Robbery	20.4	26.9	44.2	27.2	1.7	301	1,472
Rape	71.6	5.6	23.8	61.9	8.7	126	176
Other sex offenses ^c	72.9	12.4	48.5	32.0	7.2	97	133
Kidnaping	24.2	25.0	45.8	20.8	8.3	24	99
Threats against the President	27.5	...	63.6	27.3	9.1	11	40
Property offenses	81.7%	9.7%	52.3%	36.0%	2.1%	9,782	11,966
Fraudulent	82.1%	10.6%	53.3%	34.4%	1.7%	7,429	9,052
Embezzlement	94.8	2.6	49.8	46.8	0.8	1,425	1,503
Fraud ^c	79.9	11.8	53.5	32.6	2.1	5,200	6,505
Forgery	80.1	8.7	65.0	25.9	0.3	286	357
Counterfeiting	75.4	21.4	54.6	23.2	0.8	518	687
Other	80.7%	6.8%	49.1%	40.9%	3.1%	2,353	2,914
Burglary	45.7	15.9	49.2	28.6	6.3	63	138
Larceny ^c	86.3	5.0	48.3	.2	3.5	1,784	2,068
Motor vehicle theft	63.4	11.2	62.4	22.9	3.5	170	268
Arson and explosives	73.0	11.8	52.9	34.5	0.8	119	163
Transportation of stolen property	73.1	20.8	60.0	19.2	...	125	171
Other property offenses ^c	86.8	1.1	21.7	76.1	1.1	92	106
Drug offenses	49.2%	29.6%	47.6%	19.8%	2.9%	8,807	17,893
Trafficking	47.4	32.0	48.8	16.7	2.4	7,310	15,421
Other drug	60.6	18.0	42.0	34.8	5.2	1,497	2,472
Public-order offenses	51.3%	12.3%	41.5%	33.6%	12.6%	6,601	12,879
Regulatory	80.4%	10.6%	50.9%	36.2%	2.2%	1,121	1,394
Agriculture	96.6	3.5	48.7	47.8	...	113	117
Antitrust	88.2	...	66.7	26.7	6.7	15	17
Food and drug	94.6	2.9	42.9	51.4	2.9	35	37
Transportation	77.8	9.5	59.5	28.6	2.4	42	54
Civil rights	86.7	13.8	72.3	10.8	3.1	65	75
Communications	90.7	12.2	53.1	34.7	...	49	54
Custom laws	82.9	30.2	42.9	25.4	1.6	63	76
Postal laws	91.7	1.2	61.2	33.9	3.6	165	180
Other regulatory offenses	73.2	12.9	46.2	38.7	2.3	574	784
Other	47.7%	12.6%	39.5%	33.0%	14.8%	5,480	11,485
Weapons	51.9	18.3	54.6	25.4	1.8	1,345	2,591
Immigration offenses	24.5	15.6	21.3	10.2	52.9	1,251	5,103
Tax law violations ^c	96.3	4.2	51.7	39.8	4.3	673	699
Bribery	92.5	11.4	48.6	40.0	...	185	200
Perjury, contempt, and intimidation	77.7	16.2	47.8	33.8	2.2	136	175
National defense	66.1	10.3	38.5	43.6	7.7	39	59
Escape	20.1	20.5	50.0	25.9	3.6	112	557
Racketeering and extortion	56.7	30.3	51.7	17.4	0.6	333	587
Gambling	96.9	10.0	57.4	32.6	...	190	196
Liquor offenses	—	—	—	—	...	7	7
Obscene material ^c	86.8	6.1	72.7	21.2	...	33	38
Migratory birds	100	6.5	25.8	67.7	...	31	31
All other offenses ^c	92.2	2.4	24.4	65.9	7.2	1,145	1,242

Note: Released defendants include some defendants who were also detained prior to trial. Total also includes defendants for whom release status data were unavailable. Percentages in these tables are not directly comparable to those in the 1993 and prior compendia; see *Chapter notes*, items 1 and 2, p. 36.

—Too few cases to obtain statistically reliable data.

...No case of this type occurred in the data.

^aIncludes deposit bond, surety bond, and collateral bond.

^bIncludes 191 defendants for whom an offense category could not be determined, 150 of whom were released.

^cIn this table, "Murder" includes nonnegligent manslaughter.

"Other sex offenses" may include some nonviolent offenses.

"Fraud" excludes tax fraud.

"Larceny" excludes transportation of stolen property.

"Other property offenses" excludes fraudulent property offenses, and includes destruction of property and trespass.

"Tax law violations" includes tax fraud.

"Obscene material" denotes the mail or transport thereof.

"All other offenses" includes offenses with unknown or unclassifiable offense type.

Table 2.2. Type of pretrial release, by defendant characteristics, October 1, 1994–September 30, 1995

Defendant characteristic	Percent released	Of defendants released at any time prior to case disposition, percent released on—				Number of defendants	
		Financial ^a	Unsecured bond	Personal recognizance	Conditional release	Released	All defendants
All offenders^b	57.8%	17.2%	47.5%	30.2%	5.2%	26,380	45,635
Sex							
Male	53.7%	18.9%	47.0%	28.6%	5.6%	20,711	38,570
Female	80.2	11.1	49.3	35.8	3.8	5,662	7,058
Race							
White	58.5%	17.2%	47.3%	29.1%	6.4%	17,576	30,054
Black	54.8	17.6	52.3	28.0	2.1	7,141	13,025
Other	65.1	14.9	28.0	51.3	5.8	1,663	2,556
Ethnicity							
Hispanic	35.7%	29.0%	40.6%	14.1%	16.3%	5,028	14,100
Non-Hispanic	67.6	14.6	49.6	33.2	2.6	20,778	30,742
Age							
16-18 years	58.6%	10.2%	43.9%	32.9%	13.0%	492	840
19-20 years	56.1	14.4	48.6	29.5	7.5	1,262	2,251
21-30 years	51.2	18.8	46.8	27.1	7.2	8,362	16,331
31-40 years	56.8	18.9	48.2	28.0	4.9	7,472	13,159
Over 40 years	71.6	15.5	49.8	32.4	2.3	7,927	11,067
Education							
Less than high school graduate	48.1%	23.1%	49.8%	23.6%	3.5%	6,586	13,689
High school graduate	65.8	16.1	51.1	30.2	2.6	8,217	12,486
Some college	73.8	16.1	50.3	31.1	2.5	5,792	7,849
College graduate	81.6	15.1	48.1	34.4	2.5	2,844	3,485
Marital status							
Never married	55.2%	18.0%	50.3%	28.1%	3.6%	7,725	13,995
Divorced/separated	65.5	16.3	51.3	30.4	2.0	4,784	7,309
Married	68.7	17.9	49.5	30.1	2.6	9,412	13,703
Common law	50.0	24.8	49.3	22.9	2.9	1,457	2,915
Other	38.9	10.6	26.8	39.1	23.5	3,002	7,713
Employment status at arrest							
Unemployed	50.7%	17.6%	51.9%	27.3%	3.1%	8,675	17,112
Employed	70.4	18.2	49.1	30.0	2.6	15,457	21,944
Criminal record							
No convictions ^c	69.7%	14.8%	46.4%	33.7%	5.1%	11,478	16,457
Misdemeanor only	69.6	16.2	47.7	31.1	5.0	4,992	7,172
Felony							
Nonviolent	42.0	20.6	49.0	23.7	6.6	3,862	9,192
Violent	30.9	21.1	49.3	22.8	6.8	1,920	6,222
Number of prior convictions							
1	61.2%	17.9%	48.5%	28.8%	4.8%	4,415	7,212
2 to 4	46.9	19.2	48.8	26.0	6.0	4,342	9,252
5 or more	32.9	19.2	47.6	25.2	8.0	2,017	6,122
Criminal justice status							
Not under supervision	66.9%	16.3%	46.6%	31.3%	5.7%	20,839	31,164
Pretrial release	57.5	24.6	52.3	21.8	1.3	1,307	2,274
Probation	51.8	22.1	53.4	22.3	2.3	1,265	2,443
Parole	22.4	21.0	48.8	24.8	5.4	404	1,802
Court appearance history							
No prior arrests	68.9%	14.8%	46.6%	33.6%	5.0%	12,226	17,749
Failure to appear							
None	54.0	19.1	48.7	27.0	5.3	12,306	22,784
1	37.5	22.4	43.2	28.7	5.7	1,053	2,811
More than 1	34.6	17.4	48.2	29.5	4.9	793	2,289
Drug abuse							
No known abuse	65.8%	17.8%	50.8%	29.1%	2.3%	17,743	26,967
Drug history	54.7	18.7	52.2	26.2	2.8	5,201	9,513

Note: Released defendants include some defendants who were also detained prior to trial. Total also includes defendants for whom release status data were unavailable. Percentages in these tables are not directly comparable to those in the 1993 and prior compendia; see *Chapter notes*, items 1 and 2, p. 36.

^aIncludes deposit bond, surety bond, and collateral bond.

^bIncludes defendants for whom characteristics could not be determined.

^cIncludes only those defendants whose PSA records explicitly showed no prior convictions.

Table 2.3. Form of pretrial detention, by offense, October 1, 1994–September 30, 1995

Most serious offense charged	Of defendants detained at any time prior to case disposition, percent detained by—						Number of defendants	
	Percent detained	Temporary detention ^a	Held on bail for—		Denied bail	Other detentions	Detained	All defendants
			Part of pre- trial period	All of pre- trial period				
All offenses^b	59.2%	2.6%	24.1%	13.8%	51.9%	7.7%	27,004	45,635
Violent offenses	78.4%	1.2%	16.6%	5.4%	66.4%	10.4%	2,121	2,706
Murder ^c	73.2	...	14.9	2.2	76.1	6.7	134	183
Negligent manslaughter	—	...	—	...	—	—	3	8
Assault	57.3	1.8	31.4	6.2	50.4	10.3	341	595
Robbery	92.1	1.2	11.1	6.0	72.1	9.7	1,356	1,472
Rape	56.8	...	39.0	3.0	47.0	11.0	100	176
Other sex offenses ^c	45.1	...	35.0	6.7	45.0	13.3	60	133
Kidnaping	90.9	3.3	11.1	2.2	64.4	18.9	90	99
Threats against the President	92.5	...	13.5	...	62.2	24.3	37	40
Property offenses	29.9%	1.4%	34.8%	15.1%	39.5%	9.1%	3,574	11,966
Fraudulent	29.5%	1.2%	34.6%	16.8%	39.2%	8.3%	2,673	9,052
Embezzlement	9.6	0.7	41.4	9.0	39.3	9.7	145	1,503
Fraud ^c	32.2	1.3	33.0	18.0	39.3	8.4	2,092	6,505
Forgery	30.8	0.9	30.9	18.2	38.2	11.8	110	357
Counterfeiting	47.5	0.6	43.6	11.7	38.7	5.5	326	687
Other	30.9%	2.2%	35.3%	10.2%	40.6%	11.7%	901	2,914
Burglary	71.0	7.1	20.4	7.1	50.0	15.3	98	138
Larceny ^c	23.5	0.8	40.7	13.2	36.2	9.1	486	2,068
Motor vehicle theft	51.9	4.3	25.9	6.5	43.2	20.1	139	268
Arson and explosives	47.2	1.3	37.7	5.2	42.9	13.0	77	163
Transportation of stolen property	40.4	2.9	30.4	7.2	47.8	11.6	69	171
Other property offenses ^c	30.2	...	43.8	9.4	46.9	...	32	106
Drug offenses	75.6%	2.5%	26.5%	10.2%	54.5%	6.3%	13,524	17,893
Trafficking	77.9	2.2	26.4	10.1	55.2	6.2	12,016	15,421
Other drug	61.0	4.5	27.7	11.4	49.2	7.2	1,508	2,472
Public-order offenses	60.0%	3.8%	16.9%	21.7%	49.0%	8.6%	7,721	12,879
Regulatory	29.1%	2.7%	31.5%	9.1%	39.9%	16.7%	406	1,394
Agriculture	6.8	...	—	—	—	...	8	117
Antitrust	11.8	...	...	...	—	...	2	17
Food and drug	5.4	...	...	—	...	...	2	37
Transportation	38.9	...	33.3	...	52.4	14.3	21	54
Civil rights	25.3	...	47.4	...	52.6	...	19	75
Communications	18.5	...	—	—	—	—	10	54
Custom laws	40.8	...	51.6	6.5	38.7	3.2	31	76
Postal laws	13.9	...	40.0	20.0	24.0	16.0	25	180
Other regulatory offenses	36.7	3.8	27.1	9.0	39.6	20.5	288	784
Other	63.7%	3.9%	16.0%	22.4%	49.6%	8.1%	7,315	11,485
Weapons	66.2	3.1	22.9	5.8	53.9	14.3	1,716	2,591
Immigration offenses	86.4	4.7	11.9	33.2	46.3	3.9	4,411	5,103
Tax law violations ^c	7.6	...	39.6	11.3	26.4	22.6	53	699
Bribery	14.5	...	37.9	13.8	44.8	3.4	29	200
Perjury, contempt, and intimidation	42.3	1.4	39.2	4.1	44.6	10.8	74	175
National defense	37.3	...	13.6	13.6	59.1	13.6	22	59
Escape	85.8	3.1	5.6	4.0	68.4	18.8	478	557
Racketeering and extortion	58.6	0.6	18.9	7.8	58.7	14.0	344	587
Gambling	15.3	...	83.3	...	13.3	3.3	30	196
Liquor offenses	—	...	—	...	...	...	4	7
Obscene material ^c	18.4	...	—	—	—	...	7	38
Migratory birds	3.2	...	—	...	...	...	1	31
All other offenses ^c	11.8	4.1	45.9	6.2	33.6	10.3	146	1,242

Note: Detained defendants include some defendants who were also released prior to trial. Total also includes defendants for whom release status data were unavailable. Percentages in this table are not directly comparable to those in the 1993 and prior compendia; see *Chapter notes*, items 1 and 2, p. 36.

—Too few cases to obtain statistically reliable data.

...No case of this type occurred in the data.

^aHeld under 18 U.S.C. 3142 pending deportation, action on prior pretrial release, or probation or parole review.

^bIncludes 191 defendants for whom offense category could not be determined, 64 of whom were detained.

^cIn this table, "Murder" includes nonnegligent manslaughter.

"Other sex offenses" may include some nonviolent offenses.

"Fraud" excludes tax fraud.

"Larceny" excludes transportation of stolen property.

"Other property offenses" excludes fraudulent property offenses, and includes destruction of property and trespass.

"Tax law violations" includes tax fraud.

"Obscene material" denotes the mail or transport thereof.

"All other offenses" includes offenses with unknown or unclassifiable offense type.

Table 2.4. Form of pretrial detention, by defendant characteristics, October 1, 1994–September 30, 1995

Defendant characteristic	Of defendants detained at any time prior to case disposition, percent detained by—						Number of defendants	
	Percent detained	Temporary detention ^a	Held on bail for—		Denied bail	Other detentions	Detained	All defendants
			Part of pre- trial period	All of pre- trial period				
All offenders^b	59.2%	2.6%	24.1%	13.8%	51.9%	7.7%	27,004	45,635
Sex								
Male	63.3%	2.8%	22.4%	14.0%	53.0%	7.8%	24,410	38,570
Female	36.7	1.3	39.7	11.5	41.5	6.0	2,593	7,058
Race								
White	57.9%	2.8%	24.1%	17.9%	48.4%	6.8%	17,408	30,054
Black	63.6	2.4	23.9	6.4	58.0	9.3	8,287	13,025
Other	51.2	1.2	25.9	4.7	59.4	8.8	1,309	2,556
Ethnicity								
Hispanic	83.4%	4.1%	19.7%	23.2%	48.4%	4.6%	11,759	14,100
Non-Hispanic	48.6	1.5	27.6	6.3	54.6	10.0	14,946	30,742
Age								
16-18 years	64.9%	2.6%	29.9%	12.7%	47.9%	7.0%	545	840
19-20 years	65.3	2.9	29.2	12.1	47.9	7.9	1,469	2,251
21-30 years	67.6	2.8	23.4	14.3	52.5	7.0	11,043	16,331
31-40 years	60.6	2.6	23.7	12.9	53.4	7.4	7,976	13,159
Over 40 years	42.7	2.5	27.8	11.7	50.1	7.9	4,726	11,067
Education								
Less than high school graduate	72.4%	3.7%	23.4%	12.8%	53.1%	7.0%	9,911	13,689
High school graduate	52.3	2.1	28.7	8.0	52.5	8.6	6,527	12,486
Some college	44.1	1.7	34.6	7.6	48.3	7.9	3,461	7,849
College graduate	31.2	1.8	35.7	9.2	44.9	8.5	1,088	3,485
Marital status								
Never married	64.8%	2.4%	25.9%	9.7%	53.7%	8.2%	9,063	13,995
Divorced/separated	52.8	2.6	28.7	9.4	50.1	9.2	3,860	7,309
Married	47.3	2.8	28.1	12.1	50.2	6.8	6,480	13,703
Common law	71.3	4.2	24.7	11.7	53.4	6.0	2,077	2,915
Other	71.6	2.1	12.9	26.2	51.4	7.4	5,524	7,713
Employment status at arrest								
Unemployed	68.4%	2.3%	22.8%	9.5%	54.9%	10.4%	11,709	17,112
Employed	47.0	3.1	31.6	11.4	48.6	5.4	10,319	21,944
Criminal record								
No convictions ^c	45.7%	2.4%	29.1%	15.6%	48.1%	4.8%	7,525	16,457
Misdemeanor only	51.9	2.0	34.7	12.2	45.1	6.0	3,720	7,172
Felony								
Nonviolent	73.9	3.4	17.4	14.7	55.0	9.5	6,794	9,192
Violent	83.5	2.7	13.6	11.9	60.8	11.1	5,198	6,222
Number of prior convictions								
1	58.3%	2.8%	27.8%	10.8%	51.2%	7.4%	4,202	7,212
2 to 4	70.7	3.0	20.3	12.7	55.2	8.7	6,545	9,252
5 or more	81.1	2.6	13.7	15.8	56.5	11.3	4,965	6,122
Criminal justice status								
Not under supervision	50.6%	1.9%	29.5%	15.0%	48.0%	5.6%	15,777	31,164
Pretrial release	63.9	3.4	27.8	5.2	56.5	7.2	1,454	2,274
Probation	69.3	5.0	24.8	8.9	56.2	5.1	1,693	2,443
Parole	87.1	6.7	8.7	12.2	64.6	7.8	1,570	1,802
Court appearance history								
No prior arrests	46.6%	2.7%	28.5%	15.6%	48.1%	5.1%	8,268	17,749
Failure to appear								
None	64.0	2.8	23.6	12.5	52.5	8.7	14,584	22,784
1	79.9	2.3	16.9	13.5	57.2	10.1	2,246	2,811
More than 1	83.3	1.5	17.3	15.9	57.5	7.8	1,906	2,289
Drug abuse								
No known abuse	51.4%	2.9%	28.0%	11.8%	50.2%	7.0%	13,857	26,967
Drug history	66.5	2.7	26.7	7.7	54.1	8.8	6,325	9,513

Note: Detained defendants include defendants who were also released prior to trial. Total also includes defendants for whom release status data were unavailable. Percentages in this table are not directly comparable to those in the 1993 and prior compendia; see *Chapter notes*, items 1 and 2, p. 36.

^aHeld under 18 U.S.C. 3142 pending deportation, action on prior pretrial release, or probation or parole review.

^bIncludes defendants for whom these characteristics could not be determined.

^cIncludes only those defendants whose PSA records explicitly showed no prior convictions.

Table 2.5. Pretrial detention hearing outcomes, by offense, October 1, 1994–September 30, 1995

Most serious offense charged	All defendants	Defendants with pretrial detention hearings		Percent of defendants with hearings held	Of defendants with hearings held, percent ordered detained
		Hearings held	Ordered detained		
All offenses^a	45,635	18,935	13,955	41.5%	73.7%
Violent offenses	2,706	1,741	1,400	64.3%	80.4%
Murder ^b	183	123	102	67.2	82.9
Negligent manslaughter	8	2	1	—	—
Assault	595	251	171	42.2	68.1
Robbery	1,472	1,137	972	77.2	85.5
Rape	176	78	46	44.3	59.0
Other sex offenses ^b	133	47	27	35.3	57.4
Kidnaping	99	74	58	74.7	78.4
Threats against the President	40	29	23	72.5	79.3
Property offenses	11,966	2,218	1,413	18.5%	63.7%
Fraudulent	9,052	1,660	1,046	18.3%	63.0%
Embezzlement	1,503	90	57	6.0	63.3
Fraud ^b	6,505	1,277	821	19.6	64.3
Forgery	357	66	42	18.5	63.6
Counterfeiting	687	227	126	33.0	55.5
Other	2,914	558	367	19.1%	65.8%
Burglary	138	56	49	40.6	87.5
Larceny ^b	2,068	288	176	13.9	61.1
Motor vehicle theft	268	85	61	31.7	71.8
Arson and explosives	163	60	33	36.8	55.0
Transportation of stolen property	171	51	33	29.8	64.7
Other property offenses ^b	106	18	15	17.0	83.3
Drug offenses	17,893	10,287	7,338	57.5%	71.3%
Trafficking	15,421	9,181	6,597	59.5	71.9
Other drug	2,472	1,106	741	44.7	67.0
Public-order offenses	12,879	4,644	3,777	36.1%	81.3%
Regulatory	1,394	269	161	19.3%	59.9%
Agriculture	117	6	4	5.1	—
Antitrust	17	2	2	11.8	—
Food and drug	37	2	0	5.4	—
Transportation	54	17	11	31.5	64.7
Civil rights	75	16	10	21.3	62.5
Communications	54	6	3	11.1	—
Custom laws	76	19	12	25.0	63.2
Postal laws	180	13	6	7.2	46.2
Other regulatory offenses	784	188	113	24.0	60.1
Other	11,485	4,375	3,616	38.1%	82.7%
Weapons	2,591	1,225	923	47.3	75.3
Immigration offenses	5,103	2,286	2,034	44.8	89.0
Tax law violations ^b	699	26	14	3.7	53.8
Bribery	200	20	13	10.0	65.0
Perjury, contempt, and intimidation	175	55	33	31.4	60.0
National defense	59	18	13	30.5	72.2
Escape	557	378	326	67.9	86.2
Racketeering and extortion	587	267	202	45.5	75.7
Gambling	196	11	4	5.6	36.4
Liquor offenses	7	2	0	—	—
Obscene material ^b	38	5	4	13.2	—
Migratory birds	31	0	0	0	...
All other offenses ^b	1,242	82	50	6.6	61.0

Note: Defendants may also be detained for failure to meet bail conditions, or temporarily detained pending action of other agencies. Percentages in this table are not directly comparable to those in the 1993 and prior compendia; see *Chapter notes*, items 1 and 2, p. 36.

—Too few cases to obtain statistically reliable data.

...No case of this type occurred in the data.

^aIncludes 191 defendants for whom offense category could not be determined, 45 of whom had pretrial detention hearings.

^bIn this table, "Murder" includes nonnegligent manslaughter.

"Other sex offenses" may include some nonviolent offenses.

"Fraud" excludes tax fraud.

"Larceny" excludes transportation of stolen property.

"Other property offenses" excludes fraudulent property offenses, and includes destruction of property and trespass.

"Tax law violations" includes tax fraud.

"Obscene material" denotes the mail or transport thereof.

"All other offenses" includes offenses with unknown or unclassifiable offense type.

Table 2.6. Pretrial detention hearing outcomes, by defendant characteristics, October 1, 1994–September 30, 1995

Defendant characteristic	All defendants	Defendants with pretrial detention hearings			
		Number of defendants		Percent of defendants with hearings held	Of defendants with hearings held, percent ordered detained
		Hearings held	Ordered detained		
All offenders^a	45,635	18,935	13,955	41.5%	73.7%
Sex					
Male	38,570	17,147	12,890	44.5%	75.2%
Female	7,058	1,787	1,065	25.3	59.6
Race					
White	30,054	11,477	8,388	38.2%	73.1%
Black	13,025	6,375	4,792	48.9	75.2
Other	2,556	1,083	775	42.4	71.6
Ethnicity					
Hispanic	14,100	7,439	5,668	52.8%	76.2%
Non-Hispanic	30,742	11,305	8,130	36.8	71.9
Age					
16-18 years	840	375	260	44.6%	69.3%
19-20 years	2,251	1,024	702	45.5	68.6
21-30 years	16,331	7,720	5,775	47.3	74.8
31-40 years	13,159	5,680	4,242	43.2	74.7
Over 40 years	11,067	3,385	2,361	30.6	69.7
Education					
Less than high school graduate	13,689	7,146	5,248	52.2%	73.4%
High school graduate	12,486	4,863	3,413	38.9	70.2
Some college	7,849	2,544	1,660	32.4	65.3
College graduate	3,485	786	486	22.6	61.8
Marital status					
Never married	13,995	6,698	4,858	47.9%	72.5%
Divorced/separated	7,309	2,767	1,928	37.9	69.7
Married	13,703	4,703	3,241	34.3	68.9
Common law	2,915	1,507	1,105	51.7	73.3
Other	7,713	3,260	2,823	42.3	86.6
Employment status at arrest					
Unemployed	17,112	8,493	6,407	49.6%	75.4%
Employed	21,944	7,563	4,994	34.5	66.0
Criminal record					
No convictions ^b	16,457	5,329	3,604	32.4%	67.6%
Misdemeanor only	7,172	2,543	1,667	35.5	65.6
Felony					
Nonviolent	9,192	4,631	3,727	50.4	80.5
Violent	6,222	3,734	3,149	60.0	84.3
Number of prior convictions					
1	7,212	3,002	2,141	41.6%	71.3%
2 to 4	9,252	4,562	3,602	49.3	79.0
5 or more	6,122	3,344	2,800	54.6	83.7
Criminal justice status					
Not under supervision	31,164	10,994	7,536	35.3%	68.5%
Pretrial release	2,274	1,122	823	49.3	73.4
Probation	2,443	1,212	946	49.6	78.1
Parole	1,802	1,127	1,015	62.5	90.1
Court appearance history					
No prior arrests	17,749	5,808	3,953	32.7%	68.1%
Failure to appear					
None	22,784	10,156	7,629	44.6	75.1
1	2,811	1,612	1,281	57.3	79.5
More than 1	2,289	1,359	1,092	59.4	80.4
Drug abuse					
No known abuse	26,967	10,073	6,936	37.4%	68.9%
Drug history	9,513	4,614	3,406	48.5	73.8

Note: Percentages in this table are not directly comparable to those in the 1993 and prior compendia; see *Chapter notes*, items 1 and 2, p. 36.

^aIncludes defendants for whom these characteristics are unknown.

^bIncludes only those defendants whose PSA records explicitly showed no prior convictions.

Table 2.7. Behavior of defendants released prior to trial, by offense, October 1, 1994–September 30, 1995

Most serious offense charged	Percent of released defendants who had—							Number of released defendants
	Violations while on release							
	No violation	At least one violation	Failed to appear	New offense charged		Technical violations of bail conditions	Release revoked	
				Felony	Misdemeanor			
All offenses*	83.6%	16.4%	2.5%	1.9%	1.5%	12.4%	5.6%	26,380
Violent offenses	78.8%	21.2%	2.1%	1.9%	2.5%	16.8%	10.3%	1,040
Property offenses	89.1%	10.9%	1.8%	1.5%	1.3%	8.0%	3.3%	9,782
Fraudulent offenses	90.2	9.8	1.7	1.4	1.1	7.2	2.9	7,429
Other property offenses	85.7	14.3	2.4	1.5	2.0	10.8	4.8	2,353
Drug offenses	73.6%	26.4%	3.9%	2.9%	1.8%	20.3%	9.2%	8,807
Public-order offenses	89.2%	10.8%	1.7%	1.3%	1.1%	7.9%	3.6%	6,601
Regulatory offenses	92.3	7.7	1.4	0.4	1.3	5.6	2.1	1,121
Other public-order offenses	88.6	11.4	1.7	1.4	1.0	8.4	3.9	5,480

Note: Data describe defendants whose pretrial services were terminated during fiscal year 1995. A defendant with more than one type of violation appears in more than one column. A defendant with more than one of the same type of violation appears only once in that column. Therefore, the sum of individual violations exceeds the total. Not all violations resulted in revocation. For further information, see *Chapter notes*, item 1, p. 36.

*Includes 150 defendants for whom offense category could not be determined.

Table 2.8. Behavior of defendants released prior to trial, by type of release, October 1, 1994–September 30, 1995

Type of release	Percent of released defendants who had—						Release revoked	Number of released defendants
	Violations while on release							
	No violation	At least one violation	Failed to appear	New offense charged		Technical violations of bail conditions		
				Felony	Misdemeanor			
All releases	83.6%	16.4%	2.5%	1.9%	1.5%	12.4%	5.6%	26,380
Financial release	77.6%	22.4%	4.3%	3.4%	1.5%	15.7%	7.3%	4,534
Percentage/cash bond	76.9	23.1	5.7	3.4	1.7	14.7	6.7	2,225
Collateral bond	77.4	22.6	2.7	3.5	1.5	17.7	7.7	1,678
Corporate surety	80.8	19.2	3.3	2.9	1.1	14.1	7.9	631
Unsecured bond	86.9%	13.1%	1.6%	1.1%	1.4%	10.4%	4.5%	7,958
Personal recognizance	82.2%	17.8%	2.6%	2.1%	1.6%	13.6%	6.1%	12,521
Conditional release	95.9%	4.1%	0.6%	0.3%	0.4%	3.2%	2.0%	1,367

Note: Data describe defendants whose pretrial services were terminated during fiscal year 1995. A defendant with more than one type of violation appears in more than one column. A defendant with more than one of the same type of violation appears only once in that column. Therefore, the sum of individual violations exceeds the total. Not all violations resulted in revocation. For further information, see *Chapter notes*, item 1, p. 36.

Table 2.9. Behavior of defendants released prior to trial, by defendant characteristics, October 1, 1994–September 30, 1995

Defendant characteristic	Percent of released defendants who had—						Release revoked	Number of released defendants
	Violations while on release							
	No violation	At least one violation	Failed to appear	New offense charged		Technical violations of bail conditions		
				Felony	Misdemeanor			
All defendants ^a	83.6%	16.4%	2.5%	1.9%	1.5%	12.4%	5.6%	26,380
Sex								
Male	82.4%	17.6%	2.7%	2.1%	1.6%	13.2%	6.1%	20,711
Female	87.7	12.3	1.8	1.1	0.9	9.6	3.8	5,662
Race								
White	85.3%	14.7%	2.5%	1.5%	1.4%	10.8%	4.6%	17,576
Black	78.1	21.9	2.8	3.1	1.8	17.2	8.2	7,141
Other	88.1	11.9	1.4	0.7	1.4	9.3	5.8	1,663
Ethnicity								
Hispanic	81.5%	18.5%	5.4%	2.0%	1.3%	11.6%	4.5%	5,028
Non-Hispanic	83.9	16.1	1.8	1.9	1.5	12.8	6.0	20,778
Age								
16-18 years	76.2%	23.8%	3.5%	2.6%	2.6%	17.7%	11.4%	492
19-20 years	75.7	24.3	3.6	2.6	2.3	18.1	8.2	1,262
21-30 years	79.6	20.4	3.0	2.7	1.9	15.3	7.1	8,362
31-40 years	81.7	18.3	2.8	1.8	1.6	14.2	6.2	7,472
Over 40 years	89.9	10.1	1.5	1.2	0.8	7.5	3.2	7,927
Education								
Less than high school graduate	75.7%	24.3%	3.8%	2.6%	2.1%	18.1%	9.1%	6,586
High school graduate	82.4	17.6	2.2	2.0	1.7	13.9	6.0	8,217
Some college	85.6	14.4	2.2	1.7	1.2	10.8	4.2	5,792
College graduate	92.5	7.5	1.2	1.2	0.6	5.0	2.1	2,844
Marital status								
Never married	76.7%	23.3%	3.0%	2.8%	2.0%	18.2%	8.4%	7,725
Divorced/separated	81.0	19.0	2.6	1.8	1.8	14.7	6.7	4,784
Married	88.9	11.1	2.0	1.5	1.0	7.9	3.4	9,412
Common law	76.8	23.2	3.5	2.5	2.1	17.3	8.6	1,457
Other	91.8	8.2	2.1	0.9	0.7	5.7	2.5	3,002
Employment status at arrest								
Unemployed	77.0%	23.0%	3.5%	2.7%	2.0%	17.4%	8.7%	8,675
Employed	85.8	14.2	2.0	1.6	1.3	10.9	4.5	15,457
Criminal record								
No convictions ^b	91.5%	8.5%	2.0%	0.7%	0.6%	5.9%	2.0%	11,478
Misdemeanor only	78.9	21.1	2.4	2.2	2.2	16.8	7.8	4,992
Felony								
Nonviolent	76.1	23.9	3.4	3.2	1.7	18.2	9.1	3,862
Violent	69.8	30.2	3.5	4.7	2.7	23.9	14.0	1,920
Number of prior convictions								
1	81.7%	18.3%	2.3%	2.2%	1.4%	14.4%	6.1%	4,415
2 to 4	75.0	25.0	2.9	3.2	2.2	19.9	10.0	4,342
5 or more	67.1	32.9	4.4	4.3	3.6	24.9	15.2	2,017
Criminal justice status								
Not under supervision	86.4%	13.6%	2.2%	1.4%	1.2%	10.3%	4.4%	20,839
Pretrial release	70.3	29.7	2.5	4.8	3.4	22.6	11.2	1,307
Probation	74.0	26.0	3.5	4.0	2.5	18.7	10.7	1,265
Parole	72.3	27.7	3.2	5.0	2.2	22.3	10.6	404
Court appearance history								
No prior arrests	91.1%	8.9%	2.0%	0.8%	0.7%	6.2%	2.2%	12,226
Failure to appear								
None	79.0	21.0	2.6	2.7	1.8	16.3	7.6	12,306
1	67.8	32.2	4.9	3.7	4.5	24.0	12.7	1,053
More than 1	59.1	40.9	5.5	4.4	3.8	33.5	18.9	793
Drug abuse								
No known abuse	88.2%	11.8%	2.1%	1.7%	1.2%	8.1%	3.5%	17,743
Drug history	64.7	35.3	3.8	3.0	2.6	30.0	14.2	5,201

Note: Data describe defendants whose pretrial services were terminated during fiscal year 1995. A defendant with more than one type of violation appears in more than one column. A defendant with more than one of the same type of violation appears only once in that column. Therefore, the sum of individual violations exceeds the total. Not all violations resulted in revocation. For further information, see *Chapter notes*, item 1, p. 36.

^aIncludes defendants for whom these characteristics could not be determined.

^bIncludes only those defendants whose PSA records explicitly showed no prior convictions.

Table 2.10. Length of pretrial detention, by form of release or detention, and most serious offense charged, October 1, 1994–September 30, 1995

Most serious offense charged	Among defendants detained for any time prior to case disposition, the average number of days detained ^a					
	Released on—				Not released	
	Financial conditions	Unsecured bond ^b	Personal recognizance	Conditional release	Financial condition	Denied bail
All offenses	38.9 days	42.2 days	51.7 days	35.6 days	72.6 days	121.0 days
Violent offenses	40.3 days	40.7 days	47.7 days	70.7 days	115.9 days	136.7 days
Murder ^c	31.4	1.7	61.0	—	—	188.0
Negligent manslaughter	...	...	—	...	...	—
Assault	48.9	28.4	34.4	54.2	73.5	100.5
Robbery	35.9	44.6	68.9	—	124.0	135.6
Rape	—	57.3	22.3	14.3	—	141.8
Other sex offenses ^c	35.4	34.1	23.4	—	—	82.9
Kidnaping	—	84.7	—	—	—	184.3
Threats against the President	...	—	—	...	...	143.4
Property offenses	36.7 days	42.4 days	36.4 days	25.1 days	61.9 days	95.7 days
Fraudulent	37.2 days	43.9 days	34.3 days	25.2 days	60.0 days	89.9 days
Embezzlement	36.5	22.8	32.8	...	—	88.2
Fraud ^c	40.3	47.4	37.8	23.2	49.1	90.7
Forgery	23.4	42.3	18.0	...	44.1	75.7
Counterfeiting	27.3	35.7	27.4	—	103.9	91.0
Other	34.9 days	39.3 days	41.3 days	24.8 days	69.1 days	111.9 days
Burglary	—	42.3	82.8	—	—	122.5
Larceny ^c	30.8	36.2	31.7	29.1	61.4	100.5
Motor vehicle theft	39.1	39.6	22.0	...	—	116.7
Arson and explosives	7.2	38.8	30.3	...	—	193.9
Transportation of stolen property	26.0	76.9	22.0	...	—	76.7
Other property offenses ^c	—	38.8	142.0	...	...	—
Drug offenses	40.3 days	41.1 days	59.4 days	82.7 days	99.6 days	141.7 days
Trafficking	40.7	41.4	61.1	79.1	103.1	144.1
Other drug	36.3	39.1	45.9	116.3	72.9	119.3
Public-order offenses	34.5 days	47.3 days	50.8 days	14.8 days	52.1 days	85.4 days
Regulatory	36.6 days	29.3 days	43.3 days	56.8 days	79.0 days	87.5 days
Other	34.2 days	49.4 days	51.5 days	14.1 days	51.6 days	85.4 days
Weapons	45.5	71.6	63.1	11.8	98.3	126.4
Immigration offenses	23.2	20.6	37.9	13.5	47.7	65.6
Tax law violations ^c	56.2	52.0	36.0	...	—	—
Bribery	22.0	49.6	1.0	...	—	—
Perjury, contempt, and intimidation	30.3	7.9	50.7	—	—	95.7
National defense	...	...	...	...	—	93.8
Escape	24.1	40.3	56.6	—	53.5	63.4
Racketeering and extortion	34.0	72.7	160.0	—	163.2	171.0
Gambling	49.0	13.2	25.3	...	...	—
Liquor offenses	...	...	—	...	...	...
Obscene material ^c	—	154.0	...	...	—	—
Migratory birds	...	...	...	...	...	...
All other offenses ^c	12.8	21.2	22.0	...	—	39.6

—Too few cases to obtain statistically reliable data.

...No case of this type occurred in the data.

^aData describe 45,635 defendants who terminated pretrial services during fiscal year 1995. Data exclude defendants for whom periods of detention could not be determined or were unavailable. For further information, see *Chapter notes*, item 1, p. 36.

^bIncludes deposit bond, surety bond, and collateral bond.

^cIn this table, "Murder" includes nonnegligent manslaughter.

"Other sex offenses" may include some nonviolent offenses.

"Fraud" excludes tax fraud.

"Larceny" excludes transportation of stolen property.

"Other property offenses" excludes fraudulent property offenses, and includes destruction of property and trespass.

"Tax law violations" includes tax fraud.

"Obscene material" denotes the mail or transport thereof.

"All other offenses" includes offenses with unknown or unclassifiable offense type.

1) All tables in chapter 2 were created from data in the Pretrial Services Information Act System data base, which is maintained by the Pretrial Services Administration (PSA) within the AOUSC. The data describe 45,635 defendants who terminated pretrial services during October 1, 1994, through September 30, 1995, and whose cases were filed by complaint, indictment, or information. In these tables, the totals (e.g., "all offenses") included records whose offense or other attributes were missing or indeterminable. The percentage distributions were based on non-missing values, and missing values were reported in a separate row or in a footnote.

Offenses in the PSA are based on the most serious charged offense, as determined by the probation officer responsible for the interview with the defendant. The probation officer classifies the major offense charged into AOUSC four-digit offense codes. For defendants charged with more than one offense on an indictment, the probation officer chooses as the most major charged offense the one carrying the most severe penalty or, in the case of two or more charges carrying the same penalty, the one with the highest offense severity. The offense severity level is determined by the AOUSC, which ranks offenses according to the maximum sentence, type of crime, and maximum fine amount. These four-digit codes are then aggregated into the same offense categories as those used in chapter 1.

For drug offenses, the type of drug activity — trafficking or possession — is obtained by the probation officers from their reading of the indictment or other charging documents. The AOUSC citation manual provides probation officers with detailed instructions on how to code drug crimes.

2) In tables 2.1–2.4, the percentages showing the methods of release or methods of detention were based

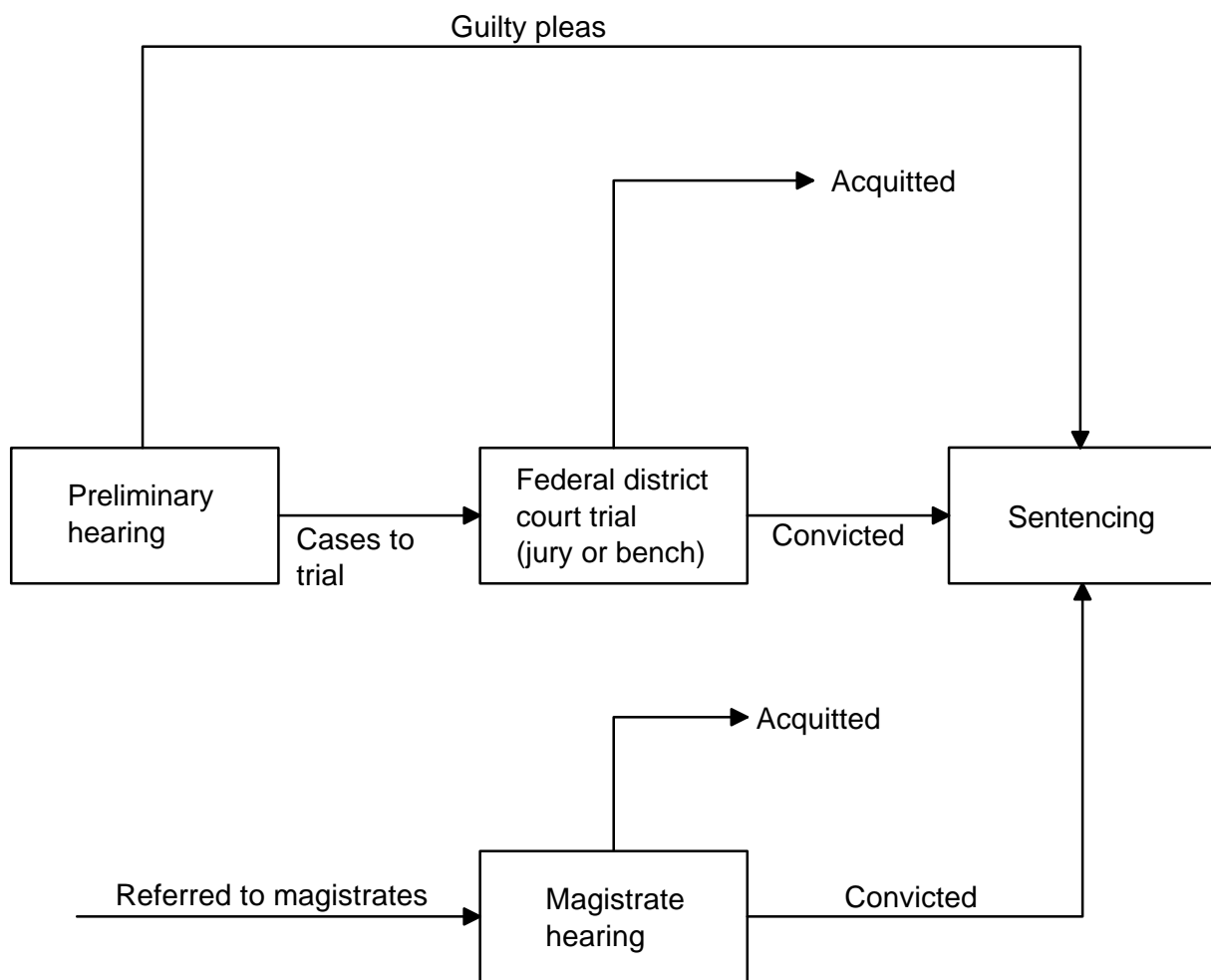
on the number of defendants released or the number of defendants detained. In tables 2.5 and 2.6, the percentages were based on the number of defendants who had hearings and were ordered detained. This method departs from the 1993 and prior compendia, in which the percentages were based on the number of defendants terminating pretrial services.

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October 1, 1994–September 30, 1995

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Federal criminal cases may result in conviction of the defendant following plea or trial, acquittal of the defendant after trial, or dismissal of the case.¹

Defendants in cases filed (table 3.1)

During 1995, 63,547 defendants had criminal charges filed against them in U.S. district courts, and 50,483 (79%) of these defendants were charged with felonies. The 20,983 drug felony defendants comprised one-third of all criminal defendants in cases filed and 42% of all felony defendants. Felony property and public-order defendants comprised 22% and 20%, respectively, of all defendants in cases filed. The number of misdemeanor cases filed fell from 14,980 in 1994 to 13,036 in 1995. Approximately 40% of all misdemeanors were charged with traffic violations during 1995.

Defendants in cases terminated (table 3.2)

Cases were terminated against 56,480 defendants during 1995, 44,462 (79%) of whom were felony defendants. During 1995 the 18,189 drug-related felony defendants comprised 32% of all defendants in cases terminated and 41% of all felony defendants.

Over 84% of all defendants were convicted: 87% of felony defendants and 75% of misdemeanor defendants. For major felony offense categories, conviction rates ranged from 86% for drug offenses to 89% for violent offenses. Within major offense categories, however, the conviction rates varied more widely. For example, within the violent offense category, the conviction rate ranged from 70% for the crime of threats against the President to 93% for robbery.

¹Unless otherwise noted, data describe felony and misdemeanor cases in U.S. district courts and include Class A misdemeanors handled by U.S. magistrates. The data also include Class B misdemeanors that are handled by U.S. district court judges, which occur infrequently.

Cases of defendants who pleaded guilty were disposed more quickly than those whose cases ultimately were dismissed

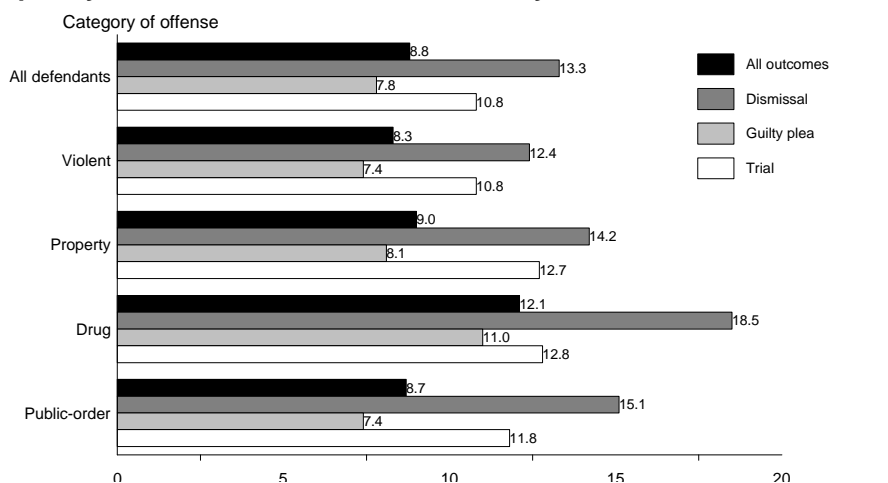


Figure 3.1. Average time from filing to disposition of cases terminating during October 1, 1994–September 30, 1995

Within the public-order category, the conviction rate ranged from 64% for civil rights violations to 91% for tax law violations, 92% for bribery offenses, and 94% for immigration offenses.

Most defendants who were convicted pleaded guilty. Overall, 92% of those convicted pleaded guilty, while only 8% were convicted at trial. For the major offense categories, guilty pleas were registered for 87% of violent offenders, 90% of drug offenders, 92% of public-order offenders, and 94% of property offenders.

During 1995, 4,809 defendants exercised their right to a trial. A higher percentage of violent and drug offenders went to trial than property and public-order offenders. Fourteen percent of violent offenders and 10% of drug offenders went to trial compared to 7% of property and 9% of public-order offenders.

Of defendants who exercised their right to a trial, 3,671 (76%) were convicted either by a jury or bench trial. The felony trial conviction rate was 81%, while the misdemeanor conviction rate was 51%. Among felony offenses, trial conviction rates ranged from 77% for property defendants to 84% for drug defendants. Violent and public-order offenders fell in between, as 79% of defendants in both

categories were convicted at trial.

Case processing times (table 3.3)

The data in table 3.3 cover the interval from the time a case is filed in U.S. district court through sentencing for those convicted as well as the interval from case filing through disposition for those not convicted, or those whose cases are dismissed. Title I of the Speedy Trial Act of 1974, as amended, sets time requirements for processing criminal cases in Federal courts. Except for certain exclusions, indictment must occur within 30 days of arrest; defendants are guaranteed at least 30 days to prepare for trial; and the Government must be ready for trial within 70 days. The Speedy Trial Act does not specify a time interval from trial to sentencing,² and the time limits set by the Act exclude several enumerated periods of pretrial procedure such as time spent awaiting rulings on motions.³ Additionally, defendants may waive their rights within the Speedy Trial Act. As a result, the actual processing time for most

²The Sentencing Reform Act of 1984 specifies minimum intervals for the disclosure and objections to the presentence report. See Rule 31, Federal Rules of Criminal Procedure.

³18 U.S.C. § 3161 et. seq.

defendants can be longer than the statutory limits without violating the provisions of the Act.

Overall, the average time for processing defendants was 8.8 months (figure 3.1). Defendants who pleaded guilty were processed faster (7.8 months), on average, than defendants who went to trial (10.8 months). Defendants whose cases were ultimately dismissed took longest to process (13.3 months), on average. Among major felony offense categories, case processing times were similar to the overall pattern, with two exceptions. For those charged with drug felonies other than trafficking, cases disposed of by plea took 7.7 months, on average, to complete, while those cases that went to trial were disposed in 7.0 months, on average. For those charged with escape felonies, cases disposed of by plea took longer to complete than those that went to trial.

completing at least high school represented 61% of all defendants while persons over age 30 represented 59% of defendants, and persons with no known criminal history comprised just under half (49%) of convicted defendants.

Convictions by U.S. magistrates (table 3.4)

During 1995 U.S. magistrates disposed of 10,587 misdemeanor criminal defendants, over 75% of whom were convicted. Traffic violators comprised 45% of the defendants disposed by U.S. magistrates, while misdemeanor property offenses comprised another 29% of U.S. magistrates' cases.

Characteristics of convicted defendants (table 3.5)

Of defendants who were convicted, 85% were men, 64% were white, 31% were black, and 28% were Hispanic. Most were U.S. citizens (75%), had graduated high school or completed some higher education (61%), and had some criminal history (51%).

Among defendants convicted there were over 5 times as many men as women (85% versus 15%); over twice as many whites as blacks (64% versus 31%); and over 2.5 times as many non-Hispanics as Hispanics (72% versus 28%). U.S. citizens comprised 75% of defendants; non-citizens comprised 25%. Persons

Table 3.1. Defendants in cases filed from October 1, 1994–September 30, 1995, by offense		
Most serious offense charged	Defendants in cases filed during 1995	
	Number	Percent ^a
All offenses	63,547	100%
Felonies	50,483	79.4%
Violent offenses	2,838	4.5%
Murder ^b	382	0.6
Negligent manslaughter	5	—
Assault	445	0.7
Robbery	1,418	2.2
Rape	270	0.4
Other sex offenses ^b	149	0.2
Kidnaping	133	0.2
Threats against the President	36	0.1
Property offenses	13,837	21.8%
Fraudulent	10,909	17.2%
Embezzlement	1,101	1.7
Fraud ^b	8,502	13.4
Forgery	256	0.4
Counterfeiting	1,050	1.7
Other	2,928	4.6%
Burglary	71	0.1
Larceny ^b	1,580	2.5
Motor vehicle theft	403	0.6
Arson and explosives	310	0.5
Transportation of stolen property	498	0.8
Other property offenses ^b	66	0.1
Drug offenses	20,983	33.0%
Trafficking	20,191	31.8
Possession and other drug offenses	792	1.2
Public-order offenses	12,825	20.2%
Regulatory	1,265	2.0%
Agriculture	98	0.2
Antitrust	51	0.1
Food and drug	34	0.1
Transportation	95	0.1
Civil rights	117	0.2
Communications	26	—
Custom laws	138	0.2
Postal laws	50	0.1
Other regulatory offenses	656	1.0
Other	11,560	18.2%
Weapons	4,212	6.6
Immigration offenses	3,866	6.1
Tax law violations ^b	760	1.2
Bribery	253	0.4
Perjury, contempt, and intimidation	339	0.5
National defense	66	0.1
Escape	658	1.0
Racketeering and extortion	1,282	2.0
Gambling	45	0.1
Obscene material ^b	19	—
Migratory birds	9	—
All other felonies ^b	51	0.1
Misdemeanors^b	13,036	20.5%
Fraudulent property offense	1,407	2.2
Larceny	1,937	3.0
Drug possession ^b	1,555	2.4
Immigration	545	0.9
Traffic offenses	5,230	8.2
Other misdemeanors	2,362	3.7
Unknown or indeterminable offense	28	

Note: For further information, see *Chapter notes*, item 1, p. 46.

—Less than .05%.

^aPercent distribution based on defendants whose categories could be determined.

^bIn this table, "Murder" includes nonnegligent manslaughter; "Other sex offenses" may include some non-violent offenses; "Fraud" excludes tax fraud; "Larceny" excludes transportation of stolen property; "Other property offenses" excludes fraudulent property offenses,

and includes destruction of property and trespass; "Tax law violations" includes tax fraud; "Obscene material" denotes the mail or transport thereof; "All other felonies" includes felonies with unknown or unclassifiable offense type; "Misdemeanors" includes misdemeanors, petty offenses, and unknown offense levels; and "Drug possession" also includes other drug misdemeanors.

Table 3.2. Disposition of cases terminating from October 1, 1994–September 30, 1995, by offense

Most serious offense charged	Total defendants	Percent of all defendants convicted	Number of defendants in cases terminating during 1995 who were—								
			Convicted				Not convicted				
			Total	Guilty plea	Nolo contendere	Trial		Total	Dismissed	Trial	
						Jury	Non-jury			Jury ^a	Non-jury
All offenses	56,480	84.2%	47,556	43,584	301	3,196	475	8,924	7,786	675	463
Felonies	44,462	86.6%	38,518	35,167	62	3,150	139	5,944	5,167	656	121
Violent offenses	2,864	88.7%	2,541	2,206	8	304	23	323	238	80	5
Murder ^b	541	88.0	476	362	1	104	9	65	36	29	0
Negligent manslaughter	3	—	2	1	0	0	1	1	1	0	0
Assault	464	78.9	366	290	3	70	3	98	74	23	1
Robbery	1,400	93.3	1,306	1,217	1	81	7	94	77	15	2
Rape	239	83.7	200	170	1	28	1	39	27	10	2
Other sex offenses ^b	104	90.4	94	86	2	6	0	10	9	1	0
Kidnaping	86	90.7	78	61	0	15	2	8	8	0	0
Threats against the President	27	70.4	19	19	0	0	0	8	6	2	0
Property offenses	12,426	87.5%	10,873	10,188	24	634	27	1,553	1,352	153	48
Fraudulent	9,817	88.0%	8,641	8,129	20	476	16	1,176	1,020	119	37
Embezzlement	1,095	88.7	971	926	3	41	1	124	110	14	0
Fraud ^b	7,558	87.9	6,646	6,241	15	378	12	912	784	95	33
Forgery	269	85.9	231	220	0	10	1	38	36	2	0
Counterfeiting	895	88.6	793	742	2	47	2	102	90	8	4
Other	2,609	85.6%	2,232	2,059	4	158	11	377	332	34	11
Burglary	97	86.6	84	81	0	2	1	13	10	0	3
Larceny ^b	1,384	86.3	1,194	1,131	4	56	3	190	174	11	5
Motor vehicle theft	396	82.1	325	286	0	35	4	71	62	7	2
Arson and explosives	228	85.5	195	165	0	27	3	33	22	10	1
Transportation of stolen property	439	86.3	379	348	0	31	0	60	56	4	0
Other property offenses ^b	65	84.6	55	48	0	7	0	10	8	2	0
Drug offenses	18,189	85.6%	15,569	14,024	14	1,484	47	2,620	2,334	246	40
Trafficking	17,823	85.5	15,246	13,723	13	1,465	45	2,577	2,300	239	38
Possession and other drug offenses	366	88.3	323	301	1	19	2	43	34	7	2
Public-order offenses	10,983	86.8%	9,535	8,749	16	728	42	1,448	1,243	177	28
Regulatory	1,181	79.8%	942	866	3	67	6	239	195	37	7
Agriculture	57	78.9	45	40	0	5	0	12	12	0	0
Antitrust	49	81.6	40	37	1	2	0	9	0	8	1
Food and drug	38	84.2	32	29	0	3	0	6	5	1	0
Transportation	95	72.6	69	58	0	10	1	26	26	0	0
Civil rights	75	64.0	48	41	0	7	0	27	15	11	1
Communications	35	71.4	25	23	0	2	0	10	7	2	1
Custom laws	108	82.4	89	85	0	2	2	19	18	0	1
Postal laws	43	74.4	32	28	0	4	0	11	10	1	0
Other regulatory offenses	681	82.5	562	525	2	32	3	119	102	14	3
Other	9,802	87.7%	8,593	7,883	13	661	36	1,209	1,048	140	21
Weapons	3,674	84.8	3,116	2,672	5	415	24	558	468	81	9
Immigration offenses	3,211	93.6	3,007	2,960	2	40	5	204	194	10	0
Tax law violations ^b	680	90.7	617	574	3	39	1	63	55	7	1
Bribery	263	92.4	243	216	0	26	1	20	15	3	2
Perjury, contempt, and intimidation	239	79.5	190	161	0	29	0	49	33	13	3
National defense	74	66.2	49	45	0	4	0	25	24	1	0
Escape	624	79.5	496	475	0	18	3	128	125	2	1
Racketeering and extortion	887	84.2	747	659	3	84	1	140	113	23	4
Gambling	86	89.5	77	74	0	3	0	9	9	0	0
Obscene material ^b	18	88.9	16	15	0	1	0	2	2	0	0
Migratory birds	5	—	1	1	0	0	0	4	4	0	0
All other felonies ^b	41	82.9	34	31	0	2	1	7	6	0	1
Misdemeanors ^b	11,989	75.2%	9,013	8,392	239	46	336	2,976	2,615	19	342
Fraudulent property offense	1,336	90.3	1,206	1,193	4	8	1	130	126	1	3
Larceny	1,696	70.9	1,202	1,118	33	9	42	494	463	3	28
Drug possession ^b	1,380	84.0	1,159	1,133	2	7	17	221	213	2	6
Immigration	560	93.9	526	523	0	1	2	34	34	0	0
Traffic offenses	4,928	69.6	3,430	3,082	152	9	187	1,498	1,246	7	245
Other misdemeanors	2,089	71.3	1,490	1,343	48	12	87	599	533	6	60
Unknown or indeterminable offense	29	86.2%	25	25	0	0	0	4	4	0	0

Note: For further information, see *Chapter notes*, item 1, p. 46.

—Too few cases to obtain statistically reliable data.

^aIncludes mistrials.

^bIn this table, "Murder" includes nonnegligent manslaughter; "Other sex offenses" may include some nonviolent offenses; "Fraud" excludes tax fraud; "Larceny" excludes transportation of stolen property; "Other property

offenses" excludes fraudulent property offenses, and includes destruction of property and trespass; "Tax law violations" includes tax fraud; "Obscene material" denotes the mail or transport thereof; "All other felonies" includes felonies with unknown or unclassifiable offense type; "Misdemeanors" includes misdemeanors, petty offenses, and unknown offense levels; and "Drug possession" also includes other drug misdemeanors.

Table 3.3. Time from filing to disposition of cases terminating from October 1, 1994–September 30, 1995

Most serious offense charged	Average time from filing to disposition for defendants in cases resulting in—			
	All outcomes	Dismissal ^a	Guilty plea	Trial ^b
All offenses	8.8 mo	13.3 mo	7.8 mo	10.8 mo
Felonies	10.2 mo	16.3 mo	9.0 mo	12.3 mo
Violent offenses	8.3 mo	12.4 mo	7.4 mo	10.8 mo
Murder ^c	10.1	10.2	9.2	12.5
Negligent manslaughter	—	—	—	—
Assault	7.3	9.1	6.8	7.4
Robbery	7.6	17.3	6.7	11.3
Rape	8.4	10.9	7.8	9.1
Other sex offenses ^c	8.9	—	7.6	—
Kidnaping	12.4	—	12.3	14.9
Threats against the President	7.5	6.4	—	—
Property offenses	9.0 mo	14.2 mo	8.1 mo	12.7 mo
Fraudulent	9.1 mo	14.7 mo	8.1 mo	13.2 mo
Embezzlement	7.4	12.4	6.3	14.9
Fraud ^c	9.5	15.2	8.4	13.3
Forgery	9.1	17.2	8.0	8.7
Counterfeiting	7.9	13.1	7.0	11.5
Other	8.9 mo	12.5 mo	8.1 mo	11.3 mo
Burglary	7.7	—	6.7	—
Larceny ^c	8.0	11.6	7.2	12.1
Motor vehicle theft	9.1	9.7	8.9	9.4
Arson and explosives	10.3	20.7	9.1	9.4
Transportation of stolen property	11.4	15.1	10.4	15.7
Other property offenses ^c	8.2	7.5	—	—
Drug offenses	12.1 mo	18.5 mo	11.0 mo	12.8 mo
Trafficking	12.2	18.7	11.1	12.9
Possession and other drug offenses	7.6	7.1	7.7	7.0
Public-order offenses	8.7 mo	15.1 mo	7.4 mo	11.8 mo
Regulatory	10.6 mo	18.2 mo	8.3 mo	14.5 mo
Agriculture	10.9	13.9	8.7	—
Antitrust	8.2	—	6.4	14.3
Food and drug	15.8	—	16.1	—
Transportation	16.3	38.8	6.6	13.7
Civil rights	7.0	7.4	6.8	7.0
Communications	8.1	—	7.3	—
Custom laws	8.9	18.0	7.0	—
Postal laws	9.4	10.5	5.9	—
Other regulatory offenses	10.5	17.2	8.7	15.4
Other	8.4 mo	14.5 mo	7.3 mo	11.4 mo
Weapons	9.4	12.0	8.8	10.7
Immigration offenses	4.1	10.8	3.5	8.8
Tax law violations ^c	9.1	15.6	8.4	10.8
Bribery	9.9	16.5	9.3	11.3
Perjury, contempt, and intimidation	11.1	12.5	10.4	12.7
National defense	21.0	46.0	9.5	—
Escape	13.8	23.3	11.8	9.6
Racketeering and extortion	12.7	16.7	11.5	15.8
Gambling	19.1	—	18.7	—
Obscene material ^c	5.1	4.7	—	—
Migratory birds	—	—	—	—
All other felonies ^c	7.1	8.2	—	—
Misdemeanors^c	3.7 mo	7.7 mo	2.6 mo	2.1 mo
Fraudulent property offense	3.5	9.7	2.7	9.1
Larceny	3.3	4.0	2.9	4.2
Drug possession ^c	3.8	5.3	3.5	5.5
Immigration	1.3	3.5	1.1	—
Traffic offenses	3.9	10.2	1.9	0.7
Other misdemeanors	4.4	6.0	3.9	3.8
Unknown or indeterminable offense	6.0 mo	—	6.5 mo	—

Note: Interval from filing to disposition includes periods which may be excluded under the Speedy Trial Act of 1974 (18 U.S.C. §3161, et seq.). See *Chapter notes*, item 1, p. 46.

—Too few cases to obtain statistically reliable data.

^aIncludes nolle prosequi, deferred prosecution, Narcotics Addicts Rehabilitation Act (NARA) Titles I and II, and all dismissals.

^bIncludes mistrials.

^cIn this table, "Murder" includes nonnegligent manslaughter; "Other sex offenses" may include some nonviolent offenses; "Fraud" excludes tax

fraud; "Larceny" excludes transportation of stolen property; "Other property offenses" excludes fraudulent property offenses, and includes destruction of property and trespass; "Tax law violations" includes tax fraud; "Obscene material" denotes the mail or transport thereof; "All other felonies" includes felonies with unknown or unclassifiable offense type; "Misdemeanors" includes misdemeanors, petty offenses, and unknown offense levels; and "Drug possession" also includes other drug misdemeanors.

Table 3.4. Dispositions by U.S. magistrates, October 1, 1994–September 30, 1995

Most serious offense charged	Defendants in criminal cases concluded by U.S. magistrates			
	Total	Convicted	Not convicted	Percent convicted
All offenses^a	10,587	8,022	2,565	75.8%
Violent offenses^b	140	88	52	62.9%
Negligent manslaughter	3	0	3	—
Assault	109	65	44	59.6
Robbery	4	4	0	—
Rape	4	3	1	—
Other sex offenses ^c	18	15	3	83.3
Kidnaping	1	0	1	—
Threats against the President	1	1	0	—
Property offenses	3,026	2,379	647	78.6%
Fraudulent	1,215	1,114	101	91.7%
Embezzlement	257	208	49	80.9
Fraud ^c	845	807	38	95.5
Forgery	108	94	14	87.0
Counterfeiting	5	5	0	—
Other	1,811	1,265	546	69.9%
Burglary	4	4	0	—
Larceny ^c	1,543	1,084	459	70.3
Motor vehicle theft	6	5	1	—
Arson and explosives	8	7	1	—
Transportation of stolen property	1	1	0	—
Other property offenses ^c	249	164	85	65.9
Drug offenses	1,271	1,075	196	84.6%
Possession	1,170	987	183	84.4
Trafficking	100	87	13	87.0
Other drug offenses	1	1	0	—
Public-order offenses	6,149	4,479	1,670	72.8%
Regulatory	480	397	83	82.7%
Agriculture	110	97	13	88.2
Fair labor standards	12	11	1	91.7
Food and drug	12	12	0	100
Motor carrier	1	1	0	—
Other regulatory offenses	345	276	69	80.0
Other	5,669	4,082	1,587	72.0%
Weapons	104	61	43	58.7
Immigration offenses	305	299	6	98.0
Tax law violations ^c	96	96	0	100
Bribery	12	9	3	75.0
National defense	38	38	0	100
Escape	55	32	23	58.2
Racketeering and extortion	5	2	3	—
Gambling	1	1	0	—
Liquor offenses	2	1	1	—
Conspiracy, aiding and abetting, traffic, and jurisdictional offenses	4,733	3,337	1,396	70.5
Migratory birds	3	3	0	100
All other offenses ^c	315	203	112	64.4
Missing or indeterminable offense	1	1	0	—

Note: Data in this table are not directly comparable to data in the 1993 and prior compendia; see *Chapter notes*, item 1, p. 46.

—Too few cases to obtain statistically reliable data.

^aIncludes suspects for whom offense category could not be determined.

^bMay include some nonviolent offenses.

^cIn this table, "Other sex offenses" may include some nonviolent offenses; "Fraud" excludes tax fraud; "Larceny" excludes transportation of stolen property; "Other property offenses" excludes fraudulent

property offenses, and includes destruction of property and trespass; "Tax law violations" includes tax fraud; "Obscene material" denotes the mail or transport thereof; "All other felonies" includes felonies with unknown or unclassifiable offense type; "Misdemeanors" includes misdemeanors, petty offenses, and unknown offense levels; and "Drug possession" also includes other drug misdemeanors.

Table 3.5. Characteristics of convicted offenders, October 1, 1994–September 30, 1995

Offender characteristic	Total number of offenders	Percent of defendants convicted of—							
		All offenses ^a	Violent offenses	Felonies			Public-order offenses		
				Fraudulent	Other	Drug offenses	Regulatory	Other	Misdemeanors
All Offenders^b	47,556	100%	5.6%	20.7%	7.6%	35.2%	3.1%	27.7%	20.7%
Sex									
Male	31,777	85.3%	90.9%	75.2%	76.6%	87.5%	85.2%	92.6%	77.5%
Female	5,492	14.7	9.1	24.8	23.4	12.5	14.8	7.4	22.5
Race									
White	23,159	64.2%	49.7%	67.6%	60.4%	61.1%	78.3%	69.7%	66.0%
Black	11,104	30.8	35.8	26.0	32.9	36.7	15.1	24.9	23.3
Other	1,807	5.0	14.5	6.5	6.7	2.1	6.6	5.4	10.7
Ethnicity									
Hispanic	10,243	27.6%	8.5%	13.8%	9.2%	36.9%	19.7%	36.8%	29.3%
Non-Hispanic	26,819	72.4	91.5	86.2	90.8	63.1	80.3	63.2	70.7
Age									
16-18 years	286	0.8%	2.5%	0.3%	1.7%	0.7%	1.3%	0.7%	2.1%
19-20 years	1,534	4.2	5.8	2.2	7.2	4.9	3.2	3.6	8.0
21-30 years	13,194	36.0	39.8	28.3	32.9	40.6	20.8	37.2	39.2
31-40 years	11,385	31.0	32.8	30.2	28.9	31.9	28.7	30.8	25.8
Over 40 years	10,289	28.0	19.0	39.0	29.3	22.0	46.0	27.7	25.0
Citizenship									
U.S. citizen	27,574	74.9%	94.6%	81.3%	93.4%	72.0%	79.5%	62.2%	69.3%
Not U.S. citizen	9,233	25.1	5.4	18.7	6.6	28.0	20.5	37.8	30.7
Education									
Less than high school graduate	13,712	39.0%	37.7%	21.3%	28.7%	47.2%	24.0%	47.9%	33.7%
High school graduate	11,314	32.2	39.1	31.4	39.2	31.9	31.0	29.3	35.5
Some college	7,176	20.4	19.3	30.4	23.8	17.0	25.2	15.0	20.9
College graduate	2,946	8.4	3.9	16.9	8.3	3.9	19.9	7.7	9.9
Criminal record									
No convictions	17,558	48.8%	32.5%	63.5%	53.1%	47.2%	71.7%	36.3%	66.4%
Prior adult convictions ^c	18,439	51.2	67.5	36.5	46.9	52.8	28.3	63.7	33.6

Note: Offender characteristics are not comparable with the 1993 and prior compendia; see *Chapter notes*, item 2, p. 46. Offenders are classified by the most serious offense charged.

^aIncludes defendants for whom offense categories could not be determined.

^bIncludes offenders for whom these characteristics could not be determined.

^cSee *Chapter notes*, item 3, p. 46.

- 1) Tables 3.1-3.4 were derived from the Administrative Office of U.S. Courts (AOUSC) criminal master data files. Only records with cases filed in U.S. district court (table 3.1) or cases that terminated in U.S. district court during October 1, 1994, through September 30, 1995, were selected. Offenses were classified according to the most serious offense charged. In the case of multiple offenses, the offense carrying the most severe potential penalty was selected.
- 2) Table 3.5 was created by matching the AOUSC master data files with the U.S. Sentencing Commission (USSC) monitoring system files and the Pretrial Services Agency (PSA) data files. These latter two data files contain information on the characteristics of defendants. The USSC monitoring system files are limited to records of defendants sentenced under the Federal sentencing guidelines only. These include defendants convicted of felonies or Class A misdemeanors. Excluded from the USSC data were defendants convicted only of Class B or C misdemeanors or infractions, defendants whose offenses were committed before November 1, 1987, and juvenile offenders. Juveniles are not subject to guidelines, and they were not included in table 3.5. Some of the defendants excluded from the USSC data files were included in the PSA data. (See Chapter 2 *Chapter notes* for more information on the PSA data.) Table 3.5 indicates the number of records for which relevant data were available. Percentage distributions were based on records with known values of defendant characteristics and offenses.
- 3) Criminal record, as reported in table 3.5, is limited to prior adult convictions. For some defendants in this table, it is further limited to the portion of their criminal record that is relevant for calculating sentences under the Federal sentencing guidelines. In general, this is limited to sentences imposed within a 15-year period prior to the current offense and offenses committed within the United States. For most defendants, the criminal history used to calculate sentencing guideline ranges is tantamount to their entire adult criminal history.

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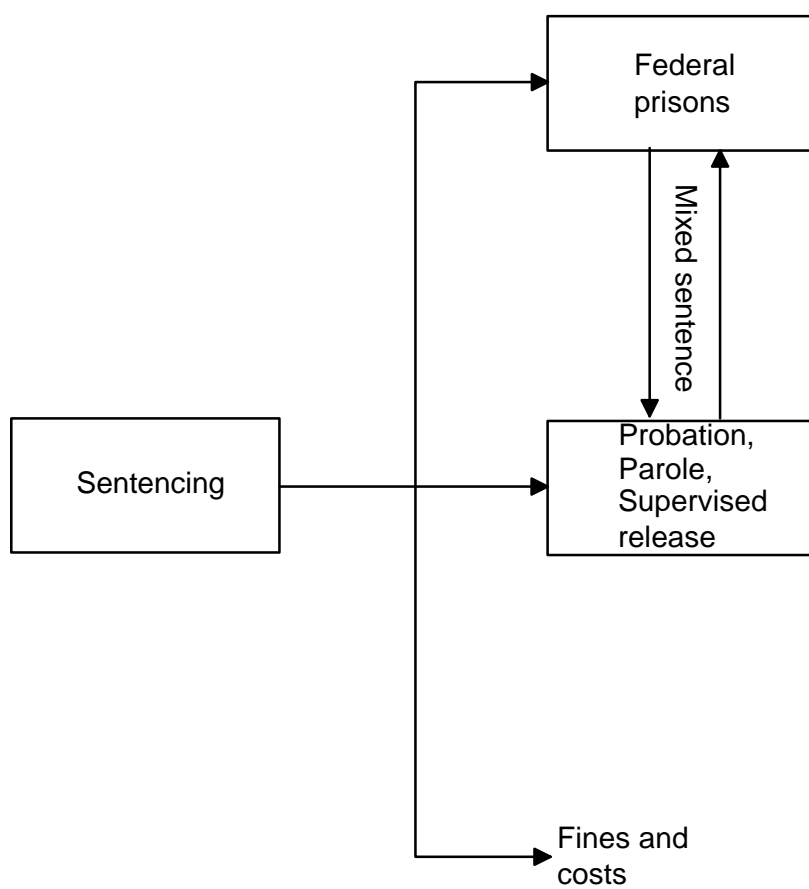
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October 1, 1994–September 30, 1995

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Chapter notes 57

Sentencing



Depending upon the type and severity of the offense, convicted offenders may be sentenced to incarceration, probation, a fine, or a combination of sanctions such as a split or mixed sentence (imprisonment as well as a period of probation supervision).¹ The Federal sentencing guidelines require a term of supervised release following service of any prison sentence of more than 1 year. In addition, courts have the discretion to impose supervised release in any other case.

Except where otherwise indicated, tables in this chapter are based on the most serious offense of conviction. They are not directly comparable with tables in earlier chapters that are based on the most serious offense investigated or most serious offense charged (see "Offense classifications" in *Methodology*, p. 89).

Offenders convicted and sentences imposed (table 4.1)

Of the 47,556 offenders sentenced during 1995, 31,805 (67%) were sentenced to prison; 12,986 (27%) were sentenced to probation; and 3,242 (7%) were ordered to pay only a fine.²

Of the 31,805 offenders sentenced to prison, 29,759 (94%) were convicted of felonies, and 79% of convicted felons were sentenced to prison. Violent and drug offenders were more likely to receive prison sentences (both at 91%) than were either property offenders or public-order offenders (59% and 79%, respectively).

Among public-order offenders, persons convicted of weapons (92%), immigration (90%), and escape offenses (91%) were about as likely as violent and drug offenders to receive prison sentences.

Among property offenders, persons convicted of burglary (87%) and motor vehicle theft (86%) were also almost as likely as violent and drug offenders to receive prison sentences.

Overall, 27% of convicted offenders were sentenced to probation. The percentage of misdemeanants sentenced to probation (48%) was more than twice that of convicted felons (22%). Among felons, persons convicted of agriculture (68%), gambling (65%), food and drug (63%), and tax law violations (62%) were the most likely to be given probation.

While less than 1% of all convicted felons were ordered to only pay a fine, 51% of the felons convicted of antitrust violations were so ordered. Fines generally were reserved for misdemeanor offenders, 31% of whom received fines.

Average prison sentences imposed (table 4.2)

For all offenders given prison terms, the average term of imprisonment imposed was 60.9 months. Persons convicted of felonies received an average prison term of 64.5 months.

The average length of prison sentence imposed varied among major offense categories. Property offenders received the shortest sentence, on average, while violent offenders received the longest (26.4 months compared to 92.3 months). Drug offenders received 85.4 months, on average, and public-order offenders received 51.1 months. The average prison term for public-order offenders was driven up largely by the average term for weapons offenders. The 2,803 weapons offenders sentenced to prison comprised 39% of the 7,261 public-order offenders sent to prison; weapons offenders received an average prison term of 91.2 months, and public-order offenders *other* than weapons offenders received an average prison term of 28.9 months.

Relationship between sentence imposed and mode of conviction (table 4.3)

Offenders convicted by plea were less likely to receive prison sentences than those convicted at trial. Sixty-five percent of the offenders convicted by guilty plea received some prison time, while 87% of the offenders convicted at trial received prison sentences.

For violent offenders, 90% of those convicted by plea received prison sentences, as did 97% of those convicted at trial. For fraudulent property offenders, 56% of those convicted by plea received prison sentences compared to 87% of those convicted at trial. And, for regulatory public-order offenders, 47% of those convicted by plea went to prison, but 72% of those convicted at trial did.

The average prison term imposed on defendants convicted at trial was longer than the term imposed on defendants convicted by plea. Defendants convicted at trial received 143.1 months, on average, while those convicted by plea received an average of 52.3 months (figure 4.1). Drug offenders convicted at trial received an average of 187.9 months as compared to the 73.7 months for drug offenders convicted by a guilty plea. Violent offenders who went to trial received an average sentence of 164.1 months as compared to the 82.6 months for those convicted by plea.

The ratio of average sentence imposed for offenders convicted at trial versus those convicted by plea was 2.75 for all offenders, 2.5 for drug, 2 for violent, and 2.4 for fraudulent property offenders and regulatory public-order offenders. While fraudulent property offenders (which include embezzlement, fraud, forgery, and counterfeiting) convicted at trial received average sentences that were 2.4 times longer than those who plead guilty, the same ratio for those convicted of other property offenses (which include burglary, larceny, and motor vehicle theft) was almost 3.

¹For a definition of mixed sentences, see *Glossary*, p.167.

²Offenders given an intermediate sanction such as intermittent confinement or community confinement that also included probation supervision are counted among offenders given probation.

Characteristics of offenders sentenced to prison (tables 4.4-4.6)

The majority of persons sentenced to prison during 1995 were male (89%), white (63%), non-Hispanic (69%), and U.S. citizens (72%). The percentage sentenced to prison was not uniform across all categories of age, race, sex, education, and ethnicity. Similarly, the average sentences imposed were not uniform across these categories (table 4.5). However, conclusions about the effect that characteristics may have had on sentencing cannot be drawn from the aggregate patterns in the data. Such an assessment would require detailed information for each category showing the presence or absence of factors that are legally intended to affect sentencing, such as offense severity, weapon use, role in the offense, victim injury, dollar loss, and so forth.

One such study of the factors affecting sentencing found that “nearly all of the aggregate differences among sentences for whites, blacks, and Hispanics during 1989–90 can be attributed to characteristics of offenses and offenders that current law and sentencing guidelines establish as legitimate considerations in sentencing decisions.”³

Average sentences imposed were longest for males (63.3 months), blacks (85.4 months), non-Hispanics (64.4 months), and U.S. citizens (65.7 months). These longer terms are due in large part because these categories of offenders (males, blacks, non-Hispanics, and U.S. citizens) are more highly concentrated in the offense types (table 4.4) that also are associated with longer average sentences (table 4.2). For example, incarceration rates for blacks exceed those of whites in the violent, drug, and nonregulatory public-order offense categories. These offenses are associated with longer average sentences (table 4.2) than are

Defendants convicted at trial received longer sentences, on average, than those convicted by guilty plea

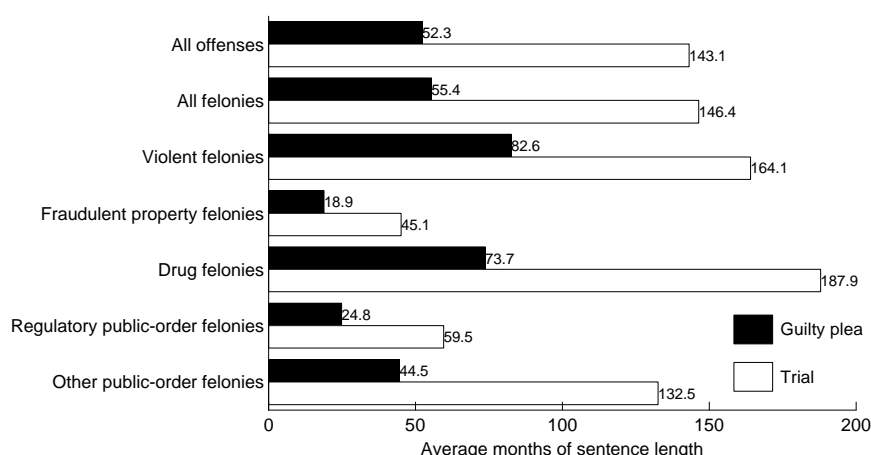


Figure 4.1. Average sentences imposed on defendants convicted at trial and defendants convicted by guilty plea, October 1, 1994–September 30, 1995

property offenses or regulatory public-order offenses — the categories in which whites' incarceration rates exceed those of blacks.

In general, within categories of offender characteristics, average prison terms were longer for violent and drug offenses than for property and regulatory public-order offenses. These two offense categories generally are considered to be more serious under the Federal sentencing guidelines than are property and regulatory public-order offenses. As a result, for aggregate tables like the ones presented in this chapter, persons with a certain characteristic may appear to receive more severe sentences on average. The primary reason for the longer averages is the larger number of serious offenses that made up the average sentences.

³ Douglas C. McDonald and Kenneth E. Carlson, *Sentencing in the Federal Courts: Does Race Matter?*, Washington, D.C.: U.S. Department of Justice, Bureau of Justice Statistics, December 1993 (NCJ-145328).

Table 4.1. Sentence types in cases terminated, by offense, October 1, 1994–September 30, 1995

Most serious offense of conviction	Total offenders sentenced ^a	Percent of offenders convicted and sentenced to—			
		Incarceration ^b	Probation ^c	Split or mixed sentence ^d	Fine (only)
All offenses^e	47,556	66.9%	27.3%	2.9%	6.8%
Felonies	37,713	78.9%	21.8%	3.2%	0.6%
Violent offenses	2,423	91.2%	13.6%	5.4%	0.1%
Murder ^f	326	93.6	12.9	7.7	0.3
Negligent manslaughter	4	—	—	—	—
Assault	344	81.7	19.5	2.3	0
Robbery	1,373	93.9	11.4	5.6	0
Rape	187	86.6	19.3	6.4	0
Other sex offenses ^f	97	82.5	23.7	7.2	1.0
Kidnaping	73	98.6	4.1	4.1	0
Threats against the President	19	94.7	5.3	0	0
Property offenses	10,569	58.8%	40.8%	3.1%	0.9%
Fraudulent	8,484	58.1%	41.3%	3.3%	1.1%
Embezzlement	899	56.1	37.9	3.6	2.0
Fraud ^f	6,651	58.6	41.5	3.5	1.1
Forgery	203	47.8	51.7	3.0	1.5
Counterfeiting	731	58.8	40.1	1.5	0.4
Other	2,085	61.7%	38.8%	1.9%	0.3%
Burglary	85	87.1	16.5	5.9	1.2
Larceny ^f	1,195	49.5	50.9	1.7	0.3
Motor vehicle theft	308	85.7	14.3	1.0	0.6
Arson and explosives	160	81.9	19.4	3.1	0
Transportation of stolen property	298	69.8	31.2	2.0	0
Other property offenses ^f	39	46.2	48.7	0	0
Drug offenses	14,778	91.4%	9.1%	2.3%	0.2%
Trafficking	14,322	91.7	8.7	2.3	0.2
Possession and other drug offenses	456	80.9	19.5	5.0	0.4
Public-order offenses	9,943	78.8%	22.6%	4.0%	0.9%
Regulatory	1,177	48.6%	47.4%	2.3%	4.3%
Agriculture	38	31.6	68.4	7.9	5.3
Antitrust	41	24.4	26.8	2.4	51.2
Food and drug	41	29.3	63.4	0	4.9
Transportation	68	32.4	54.4	1.5	13.2
Civil rights	53	84.9	22.6	7.5	0
Communications	20	40.0	50.0	0	0
Custom laws	98	44.9	50.0	2.0	4.1
Postal laws	31	35.5	58.1	0	6.5
Other regulatory offenses	787	51.8	46.9	2.0	1.4
Other	8,766	82.8%	19.3%	4.2%	0.4%
Weapons	3,062	91.5	10.2	2.9	0.2
Immigration offenses	3,045	90.3	13.8	7.1	0.1
Tax law violations ^f	659	40.2	62.4	3.8	0.6
Bribery	250	51.6	47.2	1.2	1.2
Perjury, contempt, and intimidation	200	76.0	24.0	1.5	1.0
National defense	46	50.0	30.4	0	17.4
Escape	536	90.5	8.8	0.9	0.2
Racketeering and extortion	803	72.1	27.8	2.2	0.9
Gambling	107	38.3	65.4	3.7	0
Obscene material ^f	24	41.7	58.3	4.2	4.2
Migratory birds	1	—	—	—	—
All other felonies ^f	33	69.7	36.4	6.1	0
Misdemeanors^f	9,818	20.8%	48.3%	1.9%	30.7%
Fraudulent property offense	1,335	24.7	66.2	1.6	6.4
Larceny	1,248	13.0	71.2	1.7	16.6
Drug possession ^f	1,325	42.6	52.0	2.4	5.7
Immigration	607	68.9	14.7	0.2	8.1
Traffic offenses	3,509	7.0	31.1	2.1	63.2
Other misdemeanors	1,794	17.7	61.6	2.3	21.5
Unknown or indeterminable offense	25	28.0%	64.0%	0%	0%

Note: For further information, see *Chapter notes*, item 1, p. 57.

—Too few cases to obtain statistically reliable data.

^aIncludes offenders receiving incarceration, probation, split or mixed sentences, and fines. Not represented in the percentage columns, but also included in the totals, are offenders receiving deportation, suspended sentences, sealed sentences, imprisonment of 4 days or less, and no sentences.

^bAll sentences to incarceration, including split, mixed, life, and indeterminate.

^cIncludes offenders with split and mixed sentences.

^dSentences to probation combined with incarceration.

^eTotal includes offenders whose sentence could not be determined and defendants for whom offense category could not be determined.

In this table, "Murder" includes nonnegligent manslaughter; "Other sex offenses" may include some nonviolent offenses; "Fraud" excludes tax fraud; "Larceny" excludes transportation of stolen property; "Other property offenses" excludes fraudulent property offenses, and includes destruction of property and trespass; "Tax law violations" includes tax fraud; "Obscene material" denotes the mail or transport thereof; "All other felonies" includes felonies with unknown or unclassifiable offense type; "Misdemeanors" includes misdemeanors, petty offenses, and unknown offense levels; and "Drug possession" also includes other drug misdemeanors.

Table 4.2. Type and length of sentences imposed, by offense, October 1, 1994–September 30, 1995

Offenders convicted and sentenced in cases that terminated during fiscal year 1995								
Most serious offense of conviction	Total	Number			Sentence length			
		Incarceration ^a	Probation ^b	Fine (only)	Incarceration ^c		Probation	
					Mean	Median	Mean	Median
All offenses	47,556	31,805	12,986	3,242	60.9 mo	33 mo	33.2 mo	36 mo
Felonies	37,713	29,759	8,224	224	64.5 mo	36 mo	39.2 mo	36 mo
Violent offenses	2,423	2,209	330	2	92.3 mo	60 mo	43.2 mo	36 mo
Murder ^d	326	305	42	1	140.4	108	64.9	36
Negligent manslaughter	4	2	2	0	—	—	—	—
Assault	344	281	67	0	46.7	30	33.2	36
Robbery	1,373	1,289	156	0	92.6	70	42.1	36
Rape	187	162	36	0	90.1	50	41.0	36
Other sex offenses ^d	97	80	23	1	53.5	26	37.8	36
Kidnaping	73	72	3	0	150.5	78	—	—
Threats against the President	19	18	1	0	27.6	24	—	—
Property offenses	10,569	6,215	4,310	100	26.4 mo	14 mo	40.1 mo	36 mo
Fraudulent	8,484	4,928	3,501	94	21.2 mo	13 mo	40.0 mo	36 mo
Embezzlement	899	504	341	18	15.7	6	38.3	36
Fraud ^d	6,651	3,897	2,762	70	22.1	14	40.8	36
Forgery	203	97	105	3	18.0	15	37.0	36
Counterfeiting	731	430	293	3	20.4	12	35.6	36
Other	2,085	1,287	809	6	46.6 mo	20 mo	40.5 mo	36 mo
Burglary	85	74	14	1	32.3	27	48.0	36
Larceny ^d	1,195	592	608	3	23.3	12	40.0	36
Motor vehicle theft	308	264	44	2	100.8	60	46.4	36
Arson and explosives	160	131	31	0	80.7	37	41.6	36
Transportation of stolen property	298	208	93	0	31.8	21	41.2	36
Other property offenses ^d	39	18	19	0	32.9	16	31.3	36
Drug offenses	14,778	13,502	1,338	35	85.4 mo	60 mo	45.2 mo	36 mo
Trafficking	14,322	13,133	1,249	33	86.0	60	46.0	47
Possession and other drug offenses	456	369	89	2	64.7	46	34.6	36
Public-order offenses	9,943	7,833	2,246	87	51.1 mo	24 mo	33.6 mo	36 mo
Regulatory	1,177	572	558	51	27.7 mo	18 mo	35.2 mo	36 mo
Agriculture	38	12	26	2	24.3	15	27.3	24
Antitrust	41	10	11	21	—	—	37.1	36
Food and drug	41	12	26	2	40.8	17	31.8	24
Transportation	68	22	37	9	16.1	12	38.2	36
Civil rights	53	45	12	0	55.5	27	35.3	36
Communications	20	8	10	0	—	—	—	—
Custom laws	98	44	49	4	19.0	17	35.9	36
Postal laws	31	11	18	2	18.8	8	37.3	36
Other regulatory offenses	787	408	369	11	26.4	18	35.4	36
Other	8,766	7,261	1,688	36	53.0 mo	24 mo	33.0 mo	36 mo
Weapons	3,062	2,803	311	6	91.2	60	38.6	36
Immigration offenses	3,045	2,751	419	4	23.6	24	23.7	18
Tax law violations ^d	659	265	411	4	19.0	12	35.7	36
Bribery	250	129	118	3	29.7	13	36.3	36
Perjury, contempt, and intimidation	200	152	48	2	39.3	18	37.6	36
National defense	46	23	14	8	44.1	18	31.3	36
Escape	536	485	47	1	23.0	15	35.6	36
Racketeering and extortion	803	579	223	7	61.9	45	36.2	36
Gambling	107	41	70	0	30.2	12	30.9	36
Obscene material ^d	24	10	14	1	—	—	27.4	18
Migratory birds	1	0	1	0	...	...	—	—
All other felonies ^d	33	23	12	0	19.1	12	23.0	24
Misdemeanors^d	9,818	2,039	4,746	3,018	9.5 mo	4 mo	22.6 mo	12 mo
Fraudulent property offense	1,335	330	884	86	4.7	3	33.9	36
Larceny	1,248	162	888	207	10.5	5	19.2	12
Drug possession ^d	1,325	565	689	75	14.6	6	20.8	12
Immigration	607	418	89	49	3.8	2	41.3	36
Traffic offenses	3,509	246	1,091	2,216	10.2	2	14.8	12
Other misdemeanors	1,794	318	1,105	385	12.1	6	23.6	24
Unknown or indeterminable offense	25	7	16	0	—	—	32.2 mo	36 mo

Note: Total includes offenders with an indeterminable sentence and defendants with an indeterminable offense category. Total exceeds sum of individual sanctions, as split and mixed sentences are counted in both prison and probation. See *Chapter notes*, item 1, p. 57.

—Too few cases to obtain statistically reliable data ... No cases of this type occurred in the data.

^aAll sentences to incarceration, including split, mixed, life, and indeterminate sentences.

^bIncludes offenders with split and mixed sentences.

^cExcludes life sentences, death sentences, and indeterminate sentences (1% of all incarcerations).

^dIn this table, "Murder" includes nonnegligent manslaughter; "Other sex offenses" may include

some nonviolent offenses; "Fraud" excludes tax fraud; "Larceny" excludes transportation of stolen property; "Other property offenses" excludes fraudulent property offenses, and includes destruction of property and trespass; "Tax law violations" includes tax fraud; "Obscene material" denotes the mail or transport thereof; "All other felonies" includes felonies with unknown or unclassifiable offense type; "Misdemeanors" includes misdemeanors, petty offenses, and unknown offense levels; and "Drug possession" also includes other drug misdemeanors.

Table 4.3. Sentences imposed on convicted offenders, by offense of conviction and method of disposition, October 1, 1994–September 30, 1995

Offense of conviction and method of disposition	Number of convicted offenders	Number of offenders in terminated cases convicted and sentenced to—			Offenders sentenced to some incarceration	Sentence length ^c	
		Incarceration ^a	Probation ^b	Fine (only)	Percent of convicted offenders	Mean	Median
All offenses	47,556	31,805	12,986	3,242	66.9%	60.9 mo	33.0 mo
Guilty plea ^d	43,885	28,607	12,619	3,066	65.2	52.3	30
Trial	3,671	3,198	367	176	87.1	143.1	100
Felonies	37,713	29,759	8,224	224	78.9%	64.5 mo	36.0 mo
Guilty plea	34,437	26,640	8,019	209	77.4	55.4	33
Trial	3,276	3,119	205	15	95.2	146.4	108
Violent offenses	2,423	2,209	330	2	91.2%	92.3 mo	60.0 mo
Guilty plea	2,125	1,920	316	2	90.4	82.6	60
Trial	298	289	14	0	97.0	164.1	120
Property offenses							
Fraudulent	8,484	4,928	3,501	94	58.1%	21.2 mo	13.0 mo
Guilty plea	7,988	4,497	3,428	90	56.3	18.9	12
Trial	496	431	73	4	86.9	45.1	30
Other	2,085	1,287	809	6	61.7%	46.6 mo	20.0 mo
Guilty plea	1,929	1,147	791	6	59.5	38.9	18
Trial	156	140	18	0	89.7	115.1	60
Drug offenses	14,778	13,502	1,338	35	91.4%	85.4 mo	60.0 mo
Guilty plea	13,254	12,005	1,298	27	90.6	73.7	57
Trial	1,524	1,497	40	8	98.2	187.9	151
Public-order offenses							
Regulatory	1,177	572	558	51	48.6%	27.7 mo	18.0 mo
Guilty plea	1,106	521	535	49	47.1	24.8	16
Trial	71	51	23	2	71.8	59.5	41
Other	8,766	7,261	1,688	36	82.8%	53.0 mo	24.0 mo
Guilty plea	8,035	6,550	1,651	35	81.5	44.5	24
Trial	731	711	37	1	97.3	132.5	84
Misdemeanors	9,818	2,039	4,746	3,018	20.8%	9.5 mo	4.0 mo
Guilty plea ^d	9,424	1,960	4,585	2,857	20.8	9.0	4
Trial	394	79	161	161	20.1	22.6	6
Unknown or indeterminable offense	25	7	16	0	28.0%	—	—

Note: Total includes offenders whose sentence could not be determined. Total includes defendants for whom offense category could not be determined. For further information, see *Chapter notes*, item 1, p. 57.

—Too few cases to obtain statistically reliable data.

^aAll sentences to incarceration, including split, mixed, life, and indeterminate, sentences.

^bIncludes offenders with split and mixed sentences.

^cExcludes life sentences and death sentences and indeterminate sentences (1% of all incarceration).

^dIncludes nolo contendere.

Table 4.4. Convicted offenders sentenced to incarceration, by offense and offender characteristics, October 1, 1994 - September 30, 1995

Offender characteristic	Total number of offenders	Percent of all convicted offenders who were incarcerated in cases terminated during 1995								
		All offenses ^a	Violent offenses	Felonies			Drug offenses	Public-order offenses		Misdemeanors
				Property offenses	Fraudulent	Other		Regulatory	Other	
All offenders^a	47,556	66.9%	91.2%	58.1%	61.7%	91.4%	48.6%	82.8%	20.8%	
Sex										
Male	32,763	81.5%	95.0%	62.6%	54.4%	93.4%	38.8%	83.3%	30.0%	
Female	5,747	58.2	81.6	53.2	22.1	79.4	25.1	56.8	—	
Race										
White	23,572	76.5%	91.7%	61.9%	48.3%	89.9%	38.6%	78.6%	21.7%	
Black	11,645	82.3	97.4	58.1	46.0	95.1	34.1	86.8	38.1	
Other	1,676	67.9	94.9	59.5	30.4	84.0	29.1	70.3	—	
Ethnicity										
Hispanic	10,455	89.2%	94.3%	56.0%	59.3%	95.1%	43.7%	90.5%	—	
Non-Hispanic	27,903	74.0	94.2	60.8	44.9	89.9	35.7	74.7	31.0	
Age										
16-18 years	213	76.5%	97.1%	16.7%	43.2%	88.6%	66.7%	86.4%	—	
19-20 years	1,556	77.8	94.3	50.7	41.5	88.6	51.4	88.2	25.0	
21-30 years	13,836	82.5	95.2	59.7	45.8	92.3	41.5	88.8	17.6	
31-40 years	12,026	79.9	95.5	61.6	51.3	91.7	36.7	83.5	—	
Over 40 years	10,708	70.3	89.9	60.0	42.6	91.5	31.1	67.0	—	
Citizenship										
U.S. citizen	28,597	75.0%	94.3%	59.6%	47.4%	89.9%	35.3%	74.6%	30.6%	
Not U.S. citizen	9,209	89.7	95.3	65.3	65.8	97.1	51.4	90.7	...	
Education										
Less than high school graduate	14,542	86.6%	96.3%	58.7%	60.8%	93.8%	49.4%	88.6%	40.0%	
High school graduate	11,916	77.1	94.3	60.9	45.6	91.5	34.3	78.5	23.5	
Some college	7,567	70.1	93.6	59.9	40.7	88.1	33.0	69.6	27.3	
College graduate	2,951	62.7	75.0	62.7	39.3	85.5	30.1	56.4	...	
Criminal record										
No convictions	17,653	67.2%	88.8%	52.9%	31.7%	88.6%	26.0%	61.2%	—	
Prior adult convictions ^b										
Never incarcerated	8,090	79.4	91.5	62.8	52.1	92.1	43.2	74.4	—	
Incarcerated										
13 months or less ^c	3,110	91.9	96.6	79.4	77.3	95.6	78.9	95.0	...	
More than 13 months	8,003	97.0	99.5	91.0	91.5	97.9	90.0	97.8	—	

Note: Excludes corporations. Includes life sentences and indeterminate sentences. Offenders are classified by the most serious offense of conviction. The percentages in this table report the percent of convicted persons having a particular characteristic who were incarcerated. For example, 95% of all convicted males were incarcerated, and 95.2% of males convicted of a violent offense were incarcerated. Offender characteristics are not comparable to the 1993 and prior compendia; see *Chapter notes*, item 2, p. 57.
 —Too few cases to obtain statistically reliable data.
 ...No case of this type occurred in the data.

^aIncludes offenders for whom offense or characteristics are unknown.
^bPrior adult convictions are limited to those used in calculating guideline sentences; see *Chapter notes*, item 3, p. 57.
^cClassifications of lengths of prior sentences of incarceration differ from the 1993 and prior compendia and are not directly comparable to those earlier years; see *Chapter notes*, item 3, p. 57.

Table 4.5. Average incarceration sentence lengths imposed, by offense and offender characteristics, October 1, 1994–September 30, 1995

Offender characteristic	Mean sentence length for offenders convicted of—							
	All offenses ^a	Violent offenses	Felonies		Drug offenses	Public-order offenses		Misdemeanors
			Property offenses	Fraudulent		Regulatory	Other	
All offenders^a	60.9 mo	92.3 mo	21.2 mo	46.6 mo	85.4 mo	27.7 mo	53.0 mo	9.5 mo
Sex								
Male	63.3 mo	94.6 mo	18.3 mo	35.1 mo	85.6 mo	17.0 mo	44.4 mo	6.6 mo
Female	34.0	57.2	11.7	13.9	53.4	12.7	26.4	—
Race								
White	48.2 mo	82.6 mo	17.7 mo	28.3 mo	65.4 mo	18.5 mo	37.8 mo	—
Black	85.4	111.2	15.2	40.9	108.9	10.5	64.7	—
Other	46.8	72.7	15.5	22.6	76.1	13.1	32.8	...
Ethnicity								
Hispanic	50.3 mo	93.4 mo	13.3 mo	46.4 mo	66.7 mo	17.0 mo	27.9 mo	...
Non-Hispanic	64.4	92.5	17.2	30.7	91.4	16.4	55.5	6.8
Age								
16-18 years	61.9 mo	98.6 mo	6.0 mo	119.3 mo	49.6 mo	21.0 mo	27.8 mo	...
19-20 years	63.6	104.8	10.8	61.1	70.4	23.8	38.8	—
21-30 years	63.5	91.5	13.3	37.1	84.4	13.5	41.4	—
31-40 years	60.4	93.0	16.3	25.8	80.7	16.6	47.3	—
Over 40 years	54.4	89.8	20.0	21.2	83.3	17.8	43.2	—
Citizenship								
U.S. citizen	65.7 mo	93.4 mo	17.4 mo	33.2 mo	87.7 mo	17.2 mo	58.3 mo	6.2 mo
Not U.S. citizen	46.1	85.8	14.0	25.2	68.6	11.7	24.9	...
Education								
Less than high school graduate	63.6 mo	95.1 mo	14.9 mo	45.1 mo	79.4 mo	16.0 mo	41.7 mo	—
High school graduate	65.6	93.6	16.9	28.8	86.8	19.4	54.0	—
Some college	55.1	89.7	16.5	22.7	82.8	14.0	47.8	—
College graduate	35.6	74.8	19.9	19.2	70.7	14.0	29.2	...
Criminal record								
No convictions	46.0 mo	70.7 mo	14.9 mo	24.1 mo	64.7 mo	13.0 mo	27.3 mo	—
Prior adult convictions ^b								
Never incarcerated	58.6	72.2	15.4	29.4	79.0	17.0	30.5	—
Incarcerated								
13 months or less ^c	63.9	88.5	17.0	33.8	95.5	11.7	33.4	...
More than 13 months	85.3	119.4	25.8	46.6	120.3	27.0	64.2	—

Note: Excludes corporations, life sentences, and indeterminate sentences. Includes prison portion of split or mixed sentences. Offender characteristics are not comparable to the 1993 and prior compendia; see *Chapter notes*, item 2, p. 57.
 —Too few cases to obtain statistically reliable data.
 ...No case of this type occurred in the data.

^aIncludes offenders for whom offense or characteristics are unknown.
^bPrior adult convictions are limited to those used in calculating guideline sentences; see *Chapter notes*, item 3, p. 57.
^cClassifications of lengths of prior sentences of incarceration differ from the 1993 and prior compendia and are not directly comparable to those earlier years; see *Chapter notes*, item 3, p. 57.

Table 4.6. Median incarceration sentence lengths imposed, by offense and offender characteristics, October 1, 1994–September 30, 1995

Offender characteristic	Median sentence length for offenders convicted of—							
	All offenses ^a	Violent offenses	Felonies		Drug offenses	Public-order offenses		Misdemeanors
			Property offenses	Other		Regulatory	Other	
All offenders^a	33.0 mo	60.0 mo	13.0 mo	20.0 mo	60.0 mo	18.0 mo	24.0 mo	4.0 mo
Sex								
Male	36.5 mo	66.0 mo	12.0 mo	15.0 mo	60.0 mo	12.0 mo	24.0 mo	5.0 mo
Female	18.0	37.0	8.0	6.0	37.0	6.0	16.0	—
Race								
White	27.0 mo	60.0 mo	12.0 mo	15.0 mo	46.0 mo	12.0 mo	24.0 mo	—
Black	60.0	80.5	12.0	12.0	84.0	8.0	37.0	—
Other	24.0	46.0	12.0	12.0	57.0	8.0	18.0	...
Ethnicity								
Hispanic	30.0 mo	63.0 mo	8.0 mo	18.0 mo	48.0 mo	10.0 mo	24.0 mo	...
Non-Hispanic	36.0	63.0	12.0	14.0	63.0	10.0	30.0	6.0
Age								
16-18 years	36.0 mo	70.0 mo	6.0 mo	78.0 mo	30.0 mo	21.0 mo	16.5 mo	...
19-20 years	37.0	65.0	7.0	27.0	48.0	12.0	24.0	—
21-30 years	36.0	63.0	10.0	15.0	60.0	10.0	24.0	—
31-40 years	36.0	68.0	12.0	12.0	60.0	12.0	24.0	—
Over 40 years	30.0	60.0	13.0	12.0	60.0	8.0	24.0	—
Citizenship								
U.S. citizen	37.0 mo	64.0 mo	12.0 mo	15.0 mo	60.0 mo	11.0 mo	33.0 mo	4.0 mo
Not U.S. citizen	24.0	57.0	10.0	12.0	48.0	8.0	24.0	...
Education								
Less than high school graduate	37.0 mo	64.0 mo	12.0 mo	18.0 mo	60.0 mo	12.0 mo	24.0 mo	—
High school graduate	37.0	65.0	12.0	15.0	60.0	12.0	30.0	—
Some college	30.0	63.0	12.0	12.0	60.0	7.5	27.0	—
College graduate	20.0	44.5	14.0	12.0	50.0	12.0	18.0	...
Criminal record								
No convictions	27.0 mo	46.0 mo	12.0 mo	12.0 mo	46.0 mo	7.0 mo	15.0 mo	—
Prior adult convictions ^b								
Never incarcerated	36.0	46.0	12.0	12.0	60.0	10.0	20.0	—
Incarcerated								
13 months or less ^c	37.0	69.5	13.0	15.0	65.0	8.0	24.0	...
More than 13 months	54.0	92.0	21.0	24.0	92.0	15.0	33.0	—

Note: Excludes corporations, life sentences, and indeterminate sentences. Includes prison portion of split or mixed sentences. Offender characteristics are not comparable to the 1993 and prior compendia; see *Chapter notes*, item 2, p. 57.

—Too few cases to obtain statistically reliable data.

...No case of this type occurred in the data.

^aIncludes offenders for whom offense or characteristics are unknown.

^bPrior adult convictions are limited to those used in calculating guideline sentences; see *Chapter notes*, item 3, p. 57.

^cClassifications of lengths of prior sentences of incarceration differ from the 1993 and prior compendia and are not directly comparable to those earlier years; see *Chapter notes*, item 3, p. 57.

- 1) Tables 4.1-4.3 were derived from the AOUSC criminal master data files. Only records of defendants sentenced during October 1, 1994, through September 30, 1995, were selected. Offenses shown in these tables — offenses of conviction — are based on the longest actual sentence imposed.
- 2) Tables 4.4-4.6 were derived from the United States Sentencing Commission (USSC) monitoring system files, which are limited to records of defendants sentenced under the Federal sentencing guidelines only. Only records of defendants who were sentenced during fiscal year 1995 were selected. These include defendants convicted of felonies or Class A misdemeanors. Excluded from the USSC data were defendants convicted only of Class B or C misdemeanors or infractions, defendants whose offenses were committed before November 1, 1987, and juvenile offenders. Juveniles are not subject to guidelines, and they were not included in tables 4.4-4.6; however, persons under 18 years of age who were sentenced as adults were included in these tables. Corporate defendants were excluded from them. Tables 4.4-4.6 indicate the number of records for which relevant data were available. Percentage distributions were based on records with known values of defendant characteristics and offenses. USSC offense codes were translated into the corresponding AOUSC four-digit offense codes, and these four-digit codes were then aggregated into the offense categories shown in the tables.
- 3) Criminal record, as reported in tables 4.4-4.6, is limited to the portion of a defendant's criminal record that is relevant for calculating sentences under the Federal sentencing guidelines. In general, this is limited to sentences imposed within a 15-year period prior to the current offense and offenses committed within the

United States. Specifically, the number of prior adult incarcerations reported in tables 4.4-4.6 included two types of prison sentences covering different periods of time. First, it included prior sentences of imprisonment exceeding 13 months that were imposed or served (all or in part) during the 15 years prior to the commencement of the instant offense. Second, it included other prior sentences of shorter lengths imposed within 10 years of the defendant's commencement of the instant offense. Prior prison sentences not falling within these time periods or meeting these criteria were not counted.

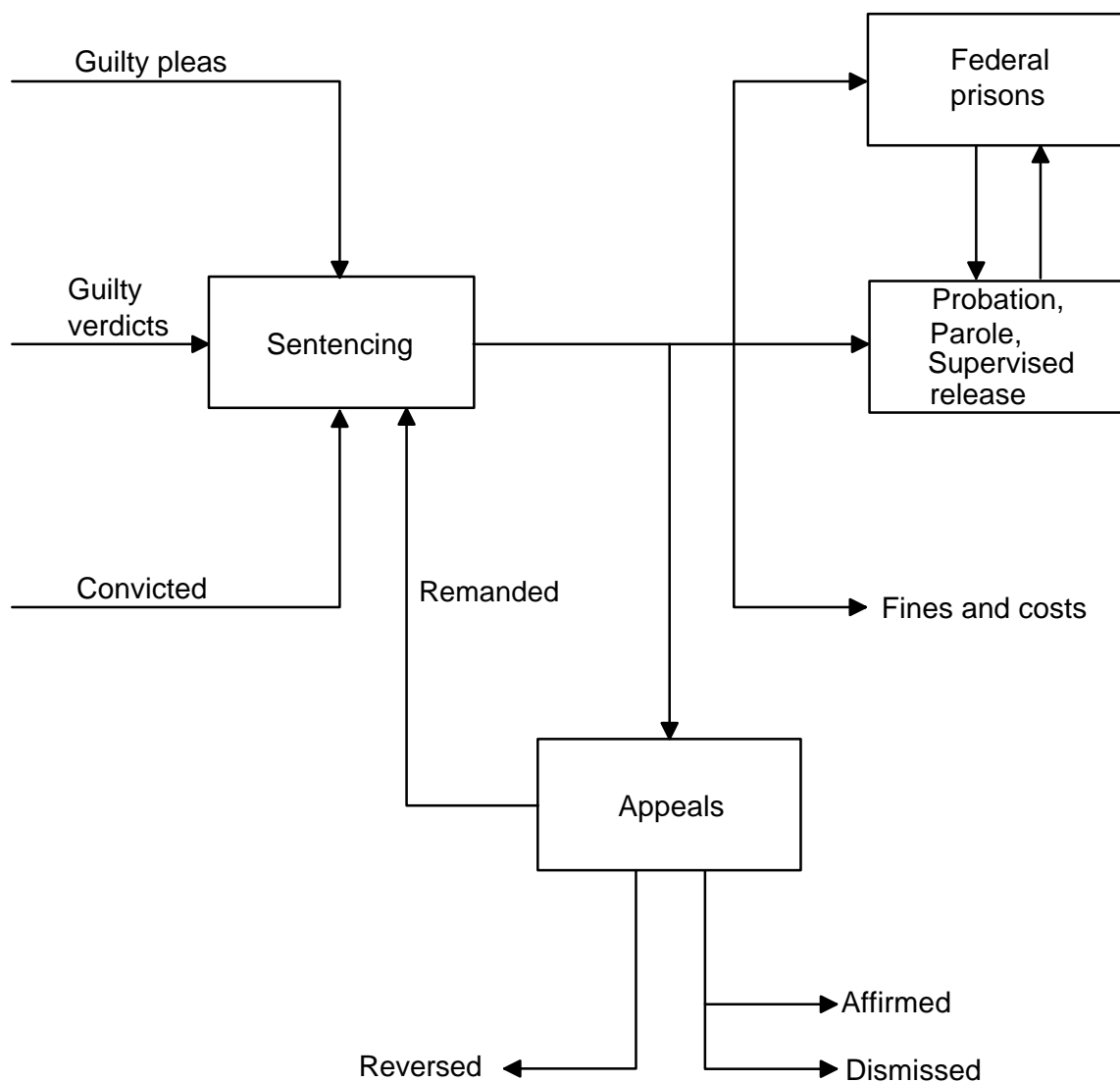


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Chapter notes 68

Appeals



Prior to implementation of the Sentencing Reform Act of 1984, only criminal convictions could be appealed. However, the Sentencing Reform Act provided for the appellate review of sentences imposed provided the sentence was (1) imposed in violation of the law; (2) imposed as the result of an incorrect sentencing guideline application; (3) outside the recommended guideline sentencing range; or (4) imposed for an offense for which no sentencing guideline exists and is plainly unreasonable. Both the defendant and the Government have the right to appeal an imposed sentence (18 U.S.C. § 3742).

Appeals filed (tables 5.1 and 5.2)

During 1995 the U.S. Court of Appeals received 10,162 criminal appeals. About 21% of all criminal cases resulted in an appeal; 4% of appeals (441) were filed by the Government. The appeal rate varied substantially across offense categories. During 1995 offenses with high rates of appeal included kidnaping; communications charges; perjury, contempt, and intimidation charges; arson and explosive charges; and civil rights charges. Offenses with lower rates of appeal included immigration offenses, agriculture violations, larceny, embezzlement, postal law violations, and violations of customs laws.

Forty-four percent of the appeals filed challenged both the conviction and the sentence imposed. About 1 in 4 challenged only the sentence imposed, and about 14% were appeals of convictions for crimes committed before 1987, when the sentencing guidelines took effect.

The type of appeal filed (sentence, conviction, or both) was relatively constant across the offense categories underlying the appeal. However, for immigration offenders, 40% of those convicted appealed only their sentences, compared to 23% for public-order offenses and 25% for all criminal categories.

Appeals from drug convictions comprised 49% of all appeals filed.

Most of the appeals that were terminated on the merits were affirmed

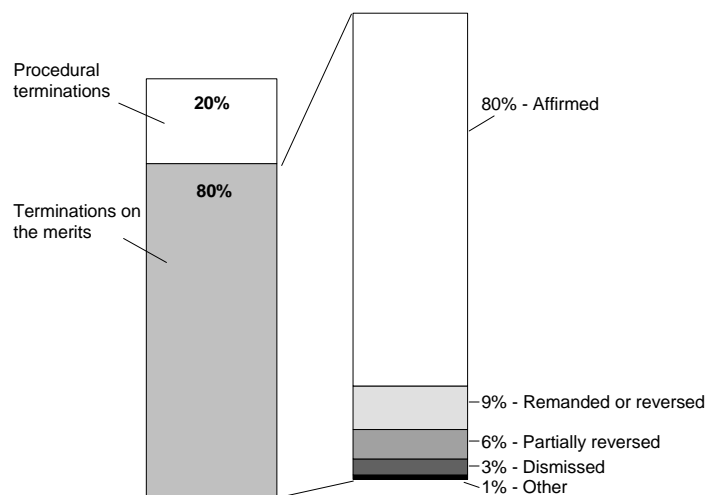


Figure 5.1. Outcomes of criminal appeals terminated during October 1, 1994–September 30, 1995

Public-order offenses were about 24% of all appeals, and property offenses made up 19% of appeals. Violent offenders comprised 8% of appeals filed.

Appeals terminated (tables 5.3-5.5)

Of the 10,852 appeals terminated during 1995, 8,684 (80% of all appeals) were terminated on the merits (table 5.4). In 86% of cases terminated on the merits, at least part of the district court ruling was affirmed. District court decisions were remanded or reversed in 9% of these cases. Cases were dismissed or remanded to criminal court relatively infrequently. In addition, 2,168 appeals terminated on procedural grounds (20% of all appeals).



Table 5.1. Criminal appeals filed, by type of criminal case and offense, October 1, 1994–September 30, 1995

Offense of conviction	Number of criminal appeals filed						
	Total	Preguideline	Guidelines-based appeals				Other
			Total	Sentence only	Conviction only	Sentence and conviction	
All offenses	10,162	1,431	8,731	2,496	1,066	4,517	652
Violent offenses	700	54	646	189	86	324	47
Murder*	113	11	102	20	14	59	9
Negligent manslaughter	2	1	1	1	0	0	0
Assault	103	9	94	17	17	54	6
Robbery	336	27	309	115	30	140	24
Rape	49	2	47	12	7	28	0
Other sex offenses*	39	3	36	11	10	11	4
Kidnaping	56	1	55	12	8	31	4
Threats against the President	2	0	2	1	0	1	0
Property offenses	1,767	230	1,537	460	193	771	113
Fraudulent	1,323	174	1,149	354	137	575	83
Embezzlement	114	16	98	25	14	51	8
Fraud*	1,077	146	931	299	102	469	61
Forgery	35	2	33	10	7	16	0
Counterfeiting	97	10	87	20	14	39	14
Other	444	56	388	106	56	196	30
Burglary	17	2	15	3	3	9	0
Larceny*	180	29	151	43	23	71	14
Motor vehicle theft	92	7	85	24	7	49	5
Arson and explosives	65	10	55	11	7	31	6
Transportation of stolen property	70	6	64	19	14	26	5
Other property offenses*	20	2	18	6	2	10	0
Drug offenses	4,499	469	4,030	1,096	453	2,149	332
Public-order offenses	2,197	233	1,964	501	267	1,071	125
Regulatory	220	54	166	40	34	85	7
Agriculture	11	4	7	3	0	4	0
Antitrust	5	0	5	0	4	1	0
Food and drug	7	1	6	4	0	2	0
Transportation	13	2	11	1	3	7	0
Civil rights	23	6	17	2	1	14	0
Communications	16	3	13	1	6	5	1
Custom laws	4	1	3	1	1	0	1
Postal laws	10	3	7	3	2	2	0
Other regulatory offenses	131	34	97	25	17	50	5
Other	1,977	179	1,798	461	233	986	118
Weapons	1,034	70	964	207	142	558	57
Immigration offenses	277	19	258	112	20	113	13
Tax law violations*	103	19	84	18	11	51	4
Bribery	49	0	49	12	7	30	0
Perjury, contempt, and intimidation	104	15	89	27	13	43	6
National defense	21	4	17	2	1	13	1
Escape	93	5	88	25	7	48	8
Racketeering and extortion	247	35	212	52	24	109	27
Gambling	14	5	9	1	1	7	0
Liquor offenses	0	0	0	0	0	0	0
Obscene material*	7	2	5	1	0	4	0
Traffic	1	0	1	0	1	0	0
Migratory birds	25	5	20	4	6	8	2
All other offenses	2	0	2	0	0	2	0
Unknown or indeterminable offense	999	445	554	250	67	202	35

Note: For further information, see *Chapter notes*, p. 68.

*In this table, "Murder" includes nonnegligent manslaughter; "Other sex offenses" may include some nonviolent offenses; "Fraud" excludes tax fraud; "Larceny" excludes transportation of stolen property; "Other property offenses" excludes fraudulent property offenses, and includes destruction of property and trespass; "Tax law violations" includes tax fraud; and "Obscene material" denotes the mail or transport thereof.

Table 5.2. Criminal appeals filed and percent of convictions appealed, by offense, October 1, 1994–September 30, 1995

Offense of conviction	Number of criminal appeals filed	Number of criminal convictions	Percent of criminal convictions appealed	Percent of appeals filed ^a
All offenses	10,162	47,556	21.4%	100%
Violent offenses	700	2,581	27.1%	7.6%
Murder ^b	113	326	34.7	1.2
Negligent manslaughter	2	5	—*	—
Assault	103	476	21.6	1.1
Robbery	336	1,373	24.5	3.7
Rape	49	204	24.0	0.5
Other sex offenses ^b	39	105	37.1	0.4
Kidnaping	56	73	76.7	0.6
Threats against the President	2	19	10.5	—
Property offenses	1,767	13,373	13.2%	19.3%
Fraudulent	1,323	9,819	13.5%	14.4%
Embezzlement	114	1,175	9.7	1.2
Fraud ^b	1,077	7,592	14.2	11.8
Forgery	35	307	11.4	0.4
Counterfeiting	97	745	13.0	1.1
Other	444	3,554	12.5%	4.8%
Burglary	17	89	19.1	0.2
Larceny ^b	180	2,443	7.4	2.0
Motor vehicle theft	92	314	29.3	1.0
Arson and explosives	65	171	38.0	0.7
Transportation of stolen property	70	298	23.5	0.8
Other property offenses ^b	20	239	8.4	0.2
Drug offenses	4,499	16,103	27.9%	49.1%
Public-order offenses	2,197	15,474	14.2%	24.0%
Regulatory	220	1,816	12.1%	2.4%
Agriculture	11	184	6.0	0.1
Antitrust	5	41	12.2	0.1
Food and drug	7	67	10.4	0.1
Transportation	13	108	12.0	0.1
Civil rights	23	67	34.3	0.3
Communications	16	25	64.0	0.2
Custom laws	4	112	3.6	—
Postal laws	10	204	4.9	0.1
Other regulatory offenses	131	1,008	13.0	1.4
Other	1,977	13,658	14.5%	21.6%
Weapons	1,034	3,132	33.0	11.3
Immigration offenses	277	3,652	7.6	3.0
Tax law violations ^b	103	871	11.8	1.1
Bribery	49	268	18.3	0.5
Perjury, contempt, and intimidation	104	237	43.9	1.1
National defense	21	145	14.5	0.2
Escape	93	604	15.4	1.0
Racketeering and extortion	247	805	30.7	2.7
Gambling	14	108	13.0	0.2
Obscene material ^b	7	25	28.0	0.1
Traffic	25	3,523	0.7	0.3
Migratory birds	1	29	3.4	—
All other offenses ^b	2	255	0.8	—
Unknown or indeterminable offense	999	25		

Note: For further information, see *Chapter notes*, p. 68.

Note: Liquor offenses were excluded, due to too few cases for statistically reliable data.

—Less than .05%.

—*Too few cases to obtain statistically reliable data.

^aPercentage distribution based on appeals for which an offense category could be determined.

^bIn this table, "Murder" includes nonnegligent manslaughter; "Other sex offenses" may include some nonviolent offenses;

"Fraud" excludes tax fraud; "Larceny" excludes transportation of stolen property; "Other property offenses" excludes fraudulent property offenses, and includes destruction of property and trespass; "Tax law violations" includes tax fraud; "Obscene material" denotes the mail or transport thereof; and "All other offenses" includes offenses with unknown or unclassifiable offense type.

Table 5.3. Criminal appeals terminated, by type of criminal case and offense, October 1, 1994–September 30, 1995

Offense of conviction	Number of criminal appeals terminated						
	Total	Preguideline	Guidelines-based appeals				Other
			Total	Sentence only	Conviction only	Sentence and conviction	
All offenses	10,852	1,468	9,384	2,472	1,450	5,009	453
Violent offenses	781	105	676	232	99	308	37
Murder*	75	29	46	12	8	24	2
Assault	101	16	85	24	17	39	5
Robbery	474	47	427	166	53	185	23
Rape	43	5	38	13	8	17	0
Other sex offenses*	35	4	31	7	7	14	3
Kidnaping	45	2	43	7	6	28	2
Threats against the President	8	2	6	3	0	1	2
Property offenses	1,978	303	1,675	505	254	834	82
Fraudulent	1,447	228	1,219	386	182	587	64
Embezzlement	101	18	83	26	9	42	6
Fraud*	1,211	192	1,019	323	148	494	54
Forgery	59	7	52	18	12	21	1
Counterfeiting	76	11	65	19	13	30	3
Other	531	75	456	119	72	247	18
Burglary	22	3	19	5	4	10	0
Larceny*	227	43	184	56	37	84	7
Motor vehicle theft	121	10	111	28	6	76	1
Arson and explosives	70	10	60	5	16	33	6
Transportation of stolen property	71	7	64	18	6	37	3
Other property offenses*	20	2	18	7	3	7	1
Drug offenses	5,182	537	4,645	1,120	703	2,600	222
Public-order offenses	2,337	274	2,063	508	319	1,142	94
Regulatory	258	55	203	44	33	114	12
Agriculture	13	3	10	3	0	7	0
Antitrust	10	0	10	1	3	6	0
Food and drug	10	2	8	3	1	3	1
Transportation	6	0	6	2	1	3	0
Civil rights	24	7	17	2	4	10	1
Communications	11	4	7	1	2	3	1
Custom laws	19	2	17	4	2	8	3
Postal laws	9	1	8	3	3	1	1
Other regulatory offenses	156	36	120	25	17	73	5
Other	2,079	219	1,860	464	286	1,028	82
Weapons	1,108	83	1,025	241	155	582	47
Immigration offenses	254	23	231	88	28	111	4
Tax law violations*	134	30	104	23	17	61	3
Bribery	50	0	50	13	6	29	2
Perjury, contempt, and intimidation	102	14	88	15	22	45	6
National defense	24	9	15	1	6	8	0
Escape	103	11	92	23	8	59	2
Racketeering and extortion	266	38	228	52	35	125	16
Gambling	7	2	5	2	1	2	0
Liquor offenses	1	0	1	1	0	0	0
Obscene material*	5	3	2	2	0	0	0
Traffic	19	4	15	3	5	5	2
Migratory birds	3	1	2	0	2	0	0
All other offenses*	3	1	2	0	1	1	0
Unknown or indeterminable offense	574	249	325	107	75	125	18

Note: For further information, see *Chapter notes*, p. 68.

*In this table, "Murder" includes nonnegligent manslaughter; "Other sex offenses" may include some nonviolent offenses; "Fraud" excludes tax fraud; "Larceny" excludes transportation of stolen property; "Other property offenses" excludes fraudulent property offenses, and includes destruction of property and trespass; "Tax law violations" includes tax fraud; "Obscene material" denotes the mail or transport thereof; and "All other offenses" includes offenses with unknown or unclassifiable offense type.

Table 5.4. Disposition of criminal appeals terminated on the merits, by offense, October 1, 1994–September 30, 1995

Offense of conviction	Total criminal appeals	Criminal appeals terminated on the merits							Procedural terminations
		Total	Percent	Affirmed	Remanded or reversed	Partial part	Dismissed	Other	
All offenses	10,852	8,684	80.0%	6,943	815	549	298	79	2,168
Violent offenses	781	664	85.0%	530	73	21	32	8	117
Murder*	75	58	77.3	42	12	1	2	1	17
Assault	101	86	85.1	75	3	3	5	0	15
Robbery	474	407	85.9	320	47	13	22	5	67
Rape	43	41	95.3	34	5	0	1	1	2
Other sex offenses*	35	25	71.4	18	3	1	2	1	10
Kidnaping	45	40	88.9	37	1	2	0	0	5
Threats against the President	8	7	—	4	2	1	0	0	1
Property offenses	1,978	1,514	76.5%	1,149	172	129	42	22	464
Fraudulent	1,447	1,075	74.3%	807	132	91	36	9	372
Embezzlement	101	72	71.3	54	12	4	1	1	29
Fraud*	1,211	894	73.8	660	109	84	33	8	317
Forgery	59	49	83.1	41	6	2	0	0	10
Counterfeiting	76	60	78.9	52	5	1	2	0	16
Other	531	439	82.7%	342	40	38	6	13	92
Burglary	22	20	90.9	17	2	0	0	1	2
Larceny*	227	188	82.8	150	17	12	2	7	39
Motor vehicle theft	121	107	88.4	80	11	14	2	0	14
Arson and explosives	70	52	74.3	35	3	10	0	4	18
Transportation of stolen property	71	61	85.9	50	7	1	2	1	10
Other property offenses*	20	11	55.0	10	0	1	0	0	9
Drug offenses	5,182	4,259	82.2%	3,494	365	247	127	26	923
Public-order offenses	2,337	1,895	81.1%	1,495	175	133	77	15	442
Regulatory	258	189	73.3%	128	22	33	2	4	69
Agriculture	13	6	46.2	5	0	1	0	0	7
Antitrust	10	5	—	2	0	3	0	0	5
Food and drug	10	7	—	4	3	0	0	0	3
Transportation	6	5	—	5	0	0	0	0	1
Civil rights	24	18	75.0	10	1	7	0	0	6
Communications	11	11	100	9	1	0	1	0	0
Custom laws	19	13	68.4	12	1	0	0	0	6
Postal laws	9	6	—	5	0	1	0	0	3
Other regulatory offenses	156	118	75.6	76	16	21	1	4	38
Other	2,079	1,706	82.1%	1,367	153	100	75	11	373
Weapons	1,108	935	84.4	777	74	44	34	6	173
Immigration offenses	254	200	78.7	147	30	2	21	0	54
Tax law violations*	134	107	79.9	80	12	12	2	1	27
Bribery	50	37	74.0	31	2	4	0	0	13
Perjury, contempt, and intimidation	102	84	82.4	69	3	10	1	1	18
National defense	24	19	79.2	14	1	3	1	0	5
Escape	103	89	86.4	75	4	1	8	1	14
Racketeering and extortion	266	208	78.2	154	23	21	8	2	58
Gambling	7	6	—	4	1	1	0	0	1
Liquor offenses	1	1	—	1	0	0	0	0	0
Obscene material*	5	4	—	3	1	0	0	0	1
Traffic	19	12	63.2	9	1	2	0	0	7
Migratory birds	3	1	—	1	0	0	0	0	2
All other offenses*	3	3	—	2	1	0	0	0	0
Unknown or indeterminable offense	574	352	61.3%	275	30	19	20	8	222

Note: For further information, see *Chapter notes*, p. 68.

—Too few cases to obtain statistically reliable data.

*In this table, "Murder" includes nonnegligent manslaughter; "Other sex offenses" may include some nonviolent offenses; "Fraud" excludes tax fraud; "Larceny" excludes transportation of stolen property; "Other property offenses" excludes fraudulent property offenses, and includes destruction of property and trespass; "Tax law violations" includes tax fraud; "Obscene material" denotes the mail or transport thereof; and "All other offenses" includes offenses with unknown or unclassifiable offense type.

Table 5.5. Criminal appeals cases terminated on the merits, by nature of offense, October 1, 1994–September 30, 1995

Most serious offense	Total	Percent of criminal appeals cases terminated on the merits				
		Affirmed	Remanded or reversed	Partial part	Dismissed	Other
All offenses	8,684	80.0%	9.4%	6.3%	3.4%	0.9%
Violent offenses	664	79.8%	11.0%	3.2%	4.8%	1.2%
Murder*	58	72.4	20.7	1.7	3.4	1.7
Negligent manslaughter	0	...	...	...	...	...
Assault	86	87.2	3.5	3.5	5.8	0
Robbery	407	78.6	11.5	3.2	5.4	1.2
Rape	41	82.9	12.2	0	2.4	2.4
Other sex offenses*	25	72.0	12.0	4.0	8.0	4.0
Kidnaping	40	92.5	2.5	5.0	0	0
Threats against the President	7	—	—	—	—	—
Property offenses	1,514	75.9%	11.4%	8.5%	2.8%	1.5%
Fraudulent	1,075	75.1%	12.3%	8.5%	3.3%	0.8%
Embezzlement	72	75.0	16.7	5.6	1.4	1.4
Fraud*	894	73.8	12.2	9.4	3.7	0.9
Forgery	49	83.7	12.2	4.1	0	0
Counterfeiting	60	86.7	8.3	1.7	3.3	0
Other	439	77.9%	9.1%	8.7%	1.4%	3.0%
Burglary	20	85.0	10.0	0	0	5.0
Larceny*	188	79.8	9.0	6.4	1.1	3.7
Motor vehicle theft	107	74.8	10.3	13.1	1.9	0
Arson and explosives	52	67.3	5.8	19.2	0	7.7
Transportation of stolen property	61	82.0	11.5	1.6	3.3	1.6
Other property offenses*	11	90.9	0	9.1	0	0
Drug offenses	4,259	82.0%	8.6%	5.8%	3.0%	0.6%
Public-order offenses	1,895	78.9%	9.2%	7.0%	4.1%	0.8%
Regulatory	189	67.7%	11.6%	17.5%	1.1%	2.1%
Agriculture	6	—	—	—	—	—
Antitrust	5	—	—	—	—	—
Food and drug	7	—	—	—	—	—
Transportation	5	—	—	—	—	—
Civil rights	18	55.6	5.6	38.9	0	0
Communications	11	81.8	9.1	0	9.1	0
Custom laws	13	92.3	7.7	0	0	0
Postal laws	6	—	—	—	—	—
Other regulatory offenses	118	64.4	13.6	17.8	0.8	3.4
Other	1,706	80.1%	9.0%	5.9%	4.4%	0.6%
Weapons	935	83.1	7.9	4.7	3.6	0.6
Immigration offenses	200	73.5	15.0	1.0	10.5	0
Tax law violations*	107	74.8	11.2	11.2	1.9	0.9
Bribery	37	83.8	5.4	10.8	0	0
Perjury, contempt, and intimidation	84	82.1	3.6	11.9	1.2	1.2
National defense	19	73.7	5.3	15.8	5.3	0
Escape	89	84.3	4.5	1.1	9.0	1.1
Racketeering and extortion	208	74.0	11.1	10.1	3.8	1.0
Gambling	6	—	—	—	—	—
Liquor offenses	1	—	—	—	—	—
Obscene material*	4	—	—	—	—	—
Traffic	12	75.0	8.3	16.7	0	0
Migratory birds	1	—	—	—	—	—
All other offenses*	3	—	—	—	—	—
Unknown or indeterminable offense	352	78.1%	8.5%	5.4%	5.7%	2.3%

Note: For further information, see *Chapter notes*, p. 68.

—Too few cases to obtain statistically reliable data.

...No case of this type occurred in the data.

*In this table, "Murder" includes nonnegligent manslaughter; "Other sex offenses" may include some nonviolent offenses; "Fraud" excludes tax fraud; "Larceny" excludes transportation of stolen property; "Other property offenses" excludes fraudulent property offenses, and includes destruction of property and trespass; "Tax law violations" includes tax fraud; "Obscene material" denotes the mail or transport thereof; and "All other offenses" includes offenses with unknown or unclassifiable offense type.

Chapter notes

Tables in chapter 5 were created from the AOUSC appeals database. Records of appellants in appeals filed or terminated during October 1, 1994, through September 30, 1995, were selected. Data include records of 10,162 appellants in criminal appeals filed during fiscal year 1995 and 10,852 appellants in appeals terminated during the same period. Appeals were classified into the offense categories that represent the underlying offense of conviction. Offenses represent the statutory offense charged against a defendant in a criminal appeal. Offenses were classified by the AOUSC into their four-digit offense codes. These were then aggregated into the offense categories shown in the tables.

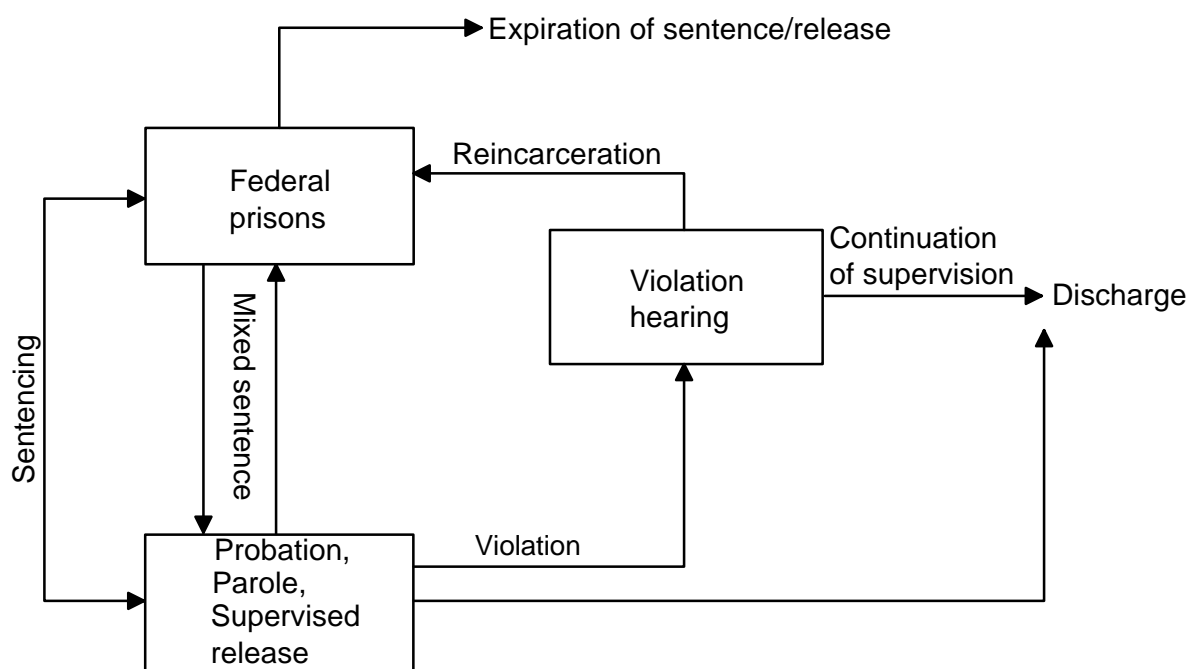
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Supervision

During 1995, 36,023 offenders terminated active supervision of probation, parole or mandatory release, or a term of supervised release.

Active supervision can terminate upon one of two events: (1) a temporary removal or (2) a permanent closure. A temporary removal to inactive status can occur because of a violation (usually absconding, a warrant for arrest, or failure to appear for a hearing) or for some other reason, such as long-term hospitalization. A permanent closure of supervision occurs in one of three ways: (1) the offender successfully completes the supervision term without violating conditions; (2) the offender is returned to prison following a violation of conditions or conviction for a new crime; or (3) the offender's supervision is closed for administrative reasons. The tables in this chapter classify termination of active supervision as "no violation" (a successful completion or a removal without violations), as technical violations or new crimes (removals with violations or returns to prison), or as administrative case closures.

Violation of the conditions of supervision or arrest for a new offense can result in imposition of additional restrictions or in removal from active supervision. Removal from active supervision may entail incarceration of a probationer or reincarceration of an offender who was under parole or supervised release. Offenders who are removed from active supervision with violations, but who are not incarcerated, may have some other action taken against them, such as deportation, issuance of an arrest warrant, assignment to community corrections, or supervision by some other State or local authority.

Probation outcomes (table 6.1)

During 1995, 18,144 offenders completed one or more terms of active probation. Overall, 84% of offenders successfully completed their term of probation, another 14% violated their conditions of probation, and the remaining 2% were administrative

84% of offenders under probation and 61% of those under parole or supervised release successfully completed their terms of supervision

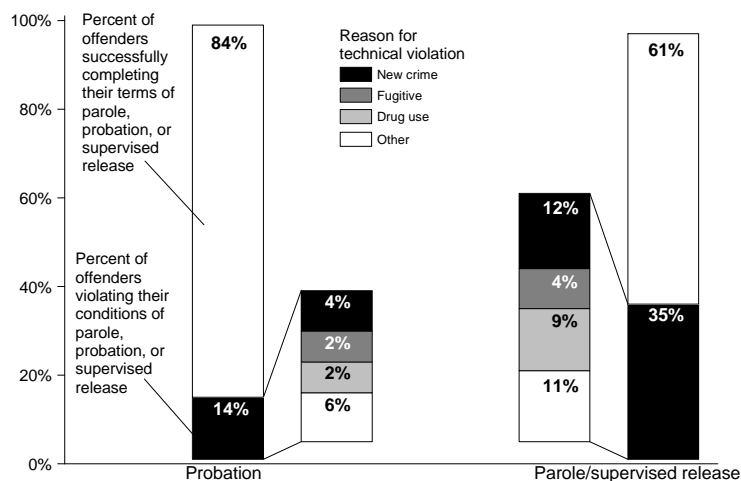


Figure 6.1. Violation rates of offenders under parole, probation, or supervised release, by type of violation, October 1, 1994–September 30, 1995

closures. Of those who violated their conditions of probation, 4% committed a new crime. Most committed technical violations, including drug use (2%) and absconding (2%) (figure 6.1).

Offenders convicted of violent offenses were less likely than others to successfully complete a term of probation without a violation. The percentages of probationers who violated the conditions of their probations decreased from 1994 to 1995.

During 1995, 26% of probationers convicted of violent offenses violated their conditions of probation, as did 13% of drug, 12% of property, and 8% of public-order offenders. During 1994, 33% of probationers convicted of violent offenses, 16% of property, 16% of drug, and 12% of public-order offenders violated their conditions of probation. During 1995 violent offenders were also more likely to commit new crimes (7%) than were probationers convicted of property

Offenders convicted of violent offenses were less likely than others to successfully complete a term of supervision

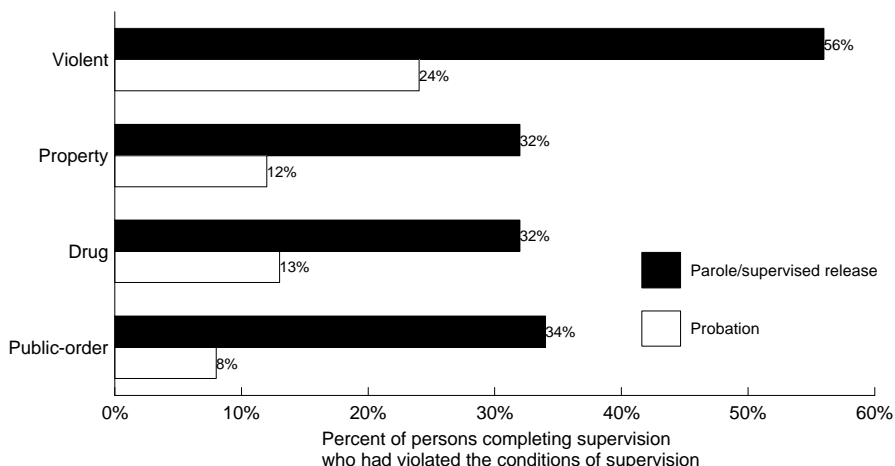


Figure 6.2. Violation rates of offenders completing parole, probation, or supervised release, by category of offense, October 1, 1994–September 30, 1995

The rate of violating conditions of supervision was highest for parolees and lowest for probationers

Cumulative percent of entrants into supervision who violated the terms of supervision during the first 12 months

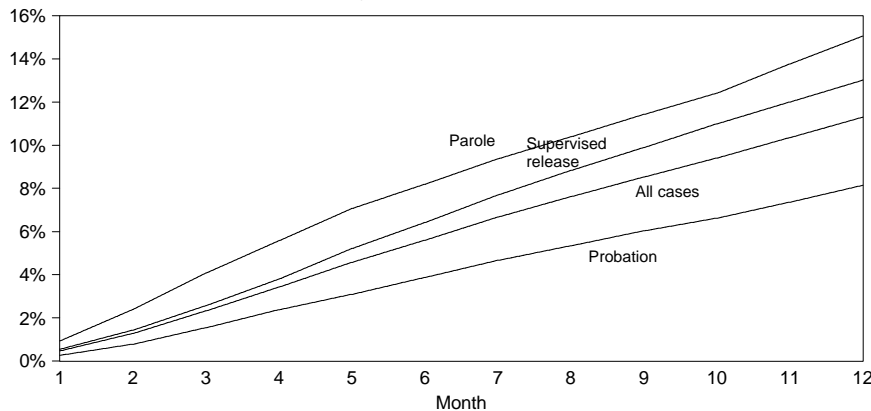


Figure 6.3. Offenders who entered probation, parole, or supervised release and violated terms of supervision within 12 months, by type of supervision, October 1, 1994–September 30, 1995

(3%), drug (5%), and public-order (3%) offenses, continuing the trend during 1994.

Parole and supervised release outcomes (table 6.3)

During 1995, 17,879 offenders completed terms of either parole or supervised release. Overall, 61% of these offenders successfully completed parole or supervised release, compared to 56% during 1994. During 1995, 12% of these offenders violated their probation supervision by committing a new crime; 24% committed technical violations, such as drug use (9%) and absconding (4%); and 4% completed their parole term through an administrative case closure (figure 6.1).

Offenders convicted of violent offenses were less likely than others to complete a term of parole or supervised release without a violation. Fifty-six percent of violent offenders violated conditions of parole or supervised release, while 34% of public-order, 32% of property, and 32% of drug offenders violated parole or supervised release (figure 6.2). Violent offenders were also more likely to commit new crimes (19%) than offenders convicted of property (11%), drug (10%), or public-order (12%)

offenses. During 1994 violent offenders were also more likely than others to violate their probation supervision, as well as more likely to commit new crimes.

Entrants into supervision (table 6.5)

The rate of violating conditions of supervision was highest for parolees and lowest for probationers (figure 6.3). After 12 months of supervision, 20% of parolees had violated conditions of release, compared to 9% of probationers. Overall, 12% of offenders entering supervision during 1995 had violated conditions of release within 12 months of their entry into supervision, the same rate as during 1994.

Characteristics of offenders completing supervision (tables 6.2 and 6.4)

Probation (table 6.2) — Among offenders who completed a term of probation, 74% were male; 70% were white and 91% were of non-Hispanic origin; 30% were less than age 31 (compared to 39% over age 40); 27% had less than a high school diploma (compared to 38% who had a high school diploma and 34% who had at

least some college education); and 81% had no known drug history.

Offender characteristics — such as age, history of drug abuse, and education — were associated with the probability of violating terms of supervision. Offenders ages 16 to 20 were more likely (32%) to violate conditions of supervision than probationers in other age groups — 21% of those age 21 to 30 and 11% of those over age 30 (figure 6.4).

Probationers with a history of drug abuse were almost 7 times more likely to violate probation for drug use than offenders who were not drug abusers. Probationers with known histories of drug abuse were also more likely to violate supervision for other reasons (fugitive status and new crimes) than were other probationers.

Probationers with lower levels of education were more likely to violate the conditions of probation than those with higher levels of education. Those who did not graduate high school had a 20% violation rate, those who were high school graduates had a 14% violation rate, those with some college had a 12% violation rate, and those with a college degree had only a 5% violation rate (figure 6.5).

Parole and supervised release (table 6.4)

— Among those who completed a term of parole or supervised release, 87% were male; 67% were white; 85% were of non-Hispanic origin; 22% were less than age 31 (42% were over age 40); 41% had only some high school (34% had a high school diploma and 25% had at least some college); and 54% had no known drug history.

Offender characteristics — such as age, history of drug abuse, and education — were associated with the likelihood that an offender would violate a condition of the supervised release or parole. Offenders age 16 to 20 were more likely to violate conditions of their supervision than offenders in other age groups — 87% of those age 16 to 20 violated a condition of their supervision compared to

47% of those age 21 to 30 and 31% of those over age 30.

Releasees with a history of drug abuse were almost 5 times more likely to terminate their supervision for technical violations of drug use as were releasees who were not drug abusers. Releasees with known histories of drug abuse were also more likely to violate supervision with technical violations or new crimes.

Similarly, releasees with lower levels of education were more likely to violate conditions of parole or supervised release than those with higher levels of education. Those who did not graduate from high school had a 42% violation rate, those who were high school graduates had a 34% violation rate, those with some college had a 28% violation rate, and those with a college degree had a 14% violation rate (figure 6.5).

Federal offenders under supervision (table 6.6)

As of the end of the fiscal year 1995, there were 85,662 offenders under active Federal supervision, of which most (87%) were felons. About 58% of these offenders were receiving one of two forms of post-incarceration supervision: supervised release (40,040) or parole (9,844). The remainder (35,778) were under probation supervision. Most of the probationer population had been convicted of either a property felony (41%) or some type of misdemeanor offense (30%). Over 48% of offenders under supervised release and nearly 58% of parolees had been convicted of a drug offense.

Federal prisoners: First releases and time served (tables 6.7-6.9)

During 1995, 27,127 prisoners were released from Federal prison by standard means for the first time after serving a sentence imposed by a U.S. district court.¹ These releasees

¹Tables 6.7-6.9 include only prisoners committed by U.S. district courts and released by the Bureau of Prisons.

Younger offenders were more likely to violate conditions of supervision

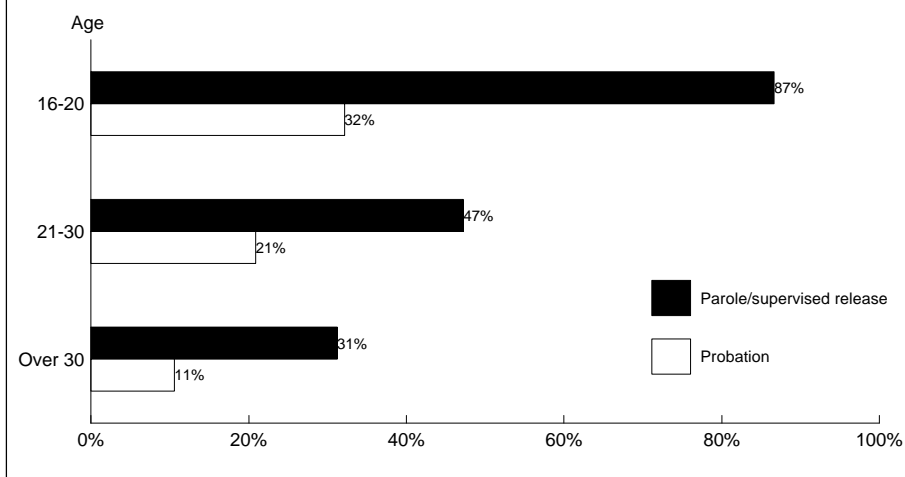


Figure 6.4. Rates of violation of conditions of supervision, by age group, October 1, 1994–September 30, 1995

served an average of 26.5 months in prison (90% of the sentence imposed, on average) (table 6.9).² Over two-thirds of the first releasees

had been sentenced to a term of imprisonment exceeding one year.

Old law offenders — those who committed crimes before the implementation of the Federal Sentencing Guidelines in November 1987 — that were released in 1995 served an average of 69 months in prison (59% of the sentence imposed, on average). New law offenders released during 1995 served, on average, 23 months in prison (92% of the sentence imposed). Since the Federal

²Average time to first release is the number of months in Bureau of Prisons facilities minus credits for time spent in jail prior to final disposition or sentencing. Percent of sentence served is the average percentage of each individual prisoner's percent of total sentence obligation served until first release.

Those having lower levels of education were more likely to violate conditions of supervision

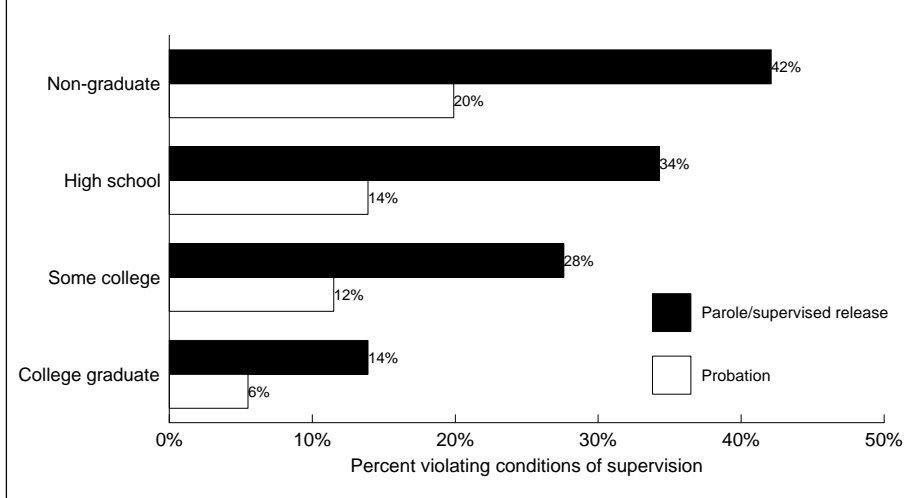


Figure 6.5. Rates of violation of conditions of supervision, by level of education, October 1, 1994–September 30, 1995

Sentencing Guidelines only became effective as of November 1987, those new law offenders sentenced to longer terms of imprisonment (greater than 111 months) could not possibly have been released yet, unless they left prison due to extraordinary reasons such as death or commutation (for a breakout of extraordinary releases, see *Chapter notes*, item 6, p. 87). Prisoners released for extraordinary reasons have been excluded from all time served and percent of sentence served calculations. The Federal Sentencing Guidelines allow a prisoner up to 54 days per year for good behavior, so a prisoner sentenced to 111 months in November 1987 *could have* served 95 months of his or her sentence and been released in 1995. As more new law offenders sentenced to longer terms complete their sentences, time served to first release should increase.

Time served until first release varied by offense: Violent offenders served an average of 51.9 months; drug offenders served an average of 37.6 months; and property and public-order offenders served an average of fewer than 16 months. During 1994 violent offenders also served the longest time until first release, serving an average of 53.9 months. During both 1994 and 1995 the average time to first release for public-order offenders was influenced heavily by the relatively short time served by immigration offenders. On average, immigration offenders served 6.9 months until first release during 1995. This was less than half of the average time served for all public-order offenders. Exclusive of immigration offenders, public-order offenders served an average of 24.3 months until first release (not shown in a table).

Admissions, releases, and standing population of Federal prisoners (table 6.10)

The Federal prison population grew by 4,787 persons during fiscal year 1995, increasing from 83,871 to 88,658. The greatest growth was of drug and public-order offenders,

particularly immigration and weapons offenders. The greatest growth during 1994 was of drug, weapons, and robbery offenders. The number of drug offenders in prison grew by 2,303 during 1995, less than the 2,539 new drug offenders in prison during 1994. The number of immigration offenders grew by 984, and the number of weapons offenders grew by 792. The number of property offenders, however, decreased by 82.

Characteristics of Federal prisoners (tables 6.11 and 6.12)

Prisoners released (table 6.11) —

Of prisoners released during 1995, 89% were male, 74% were white, 23% were black, 35% were Hispanic, and 66% were U.S. citizens. Fifty-eight percent were 31 years of age or older. These patterns held across offenses and between old and new law offenders, except with non-regulatory public-order offenses. Of released offenders convicted of those offenses, 59% were Hispanic and 38% were U.S. citizens.

Time served to first release (table 6.12) —

Of persons released, males served more time than females, blacks served more time than whites, non-Hispanics served more time than Hispanics, older persons served more time than younger (until over age 40), and U.S. citizens served more time than noncitizens. However, among the offenses, the overall pattern does not always hold, except for males and females. For example, blacks served more time on average than whites, but among non-fraudulent property offenders released from prison, whites served more time than blacks.

Sentences imposed and time served until first release

Prison terms imposed on offenders sentenced since the Federal sentencing guidelines were implemented have increased. The average length of prison term imposed rose from 57.2 months during 1990 to 61.2 months during 1994, then decreased to 60.9 months during 1995 (not

shown in a table). Prisoners sentenced pursuant to the Federal sentencing guidelines (new law) released during 1995 served an average of 26.5 months in prison (table 6.8), or 90% of the sentence imposed (table 6.9). Prisoners sentenced pursuant to old law sentencing policy and released during 1995 served an average of 69.1 months (table 6.8), or 59% of the sentence imposed (table 6.9).

Table 6.1. Outcomes of probation supervision, by offense, October 1, 1994–September 30, 1995

Most serious offense of conviction ^a	Number of probation terminations	Percent of probation supervisions terminating with—					New crime ^c	Administrative case closures
		No violation	Technical violations ^b			Other		
			Drug use	Fugitive status				
All offenses	18,144	83.5%	2.4%	1.8%		6.1%	3.8%	2.4%
Felonies	9,986	85.7%	2.0%	1.3%		4.7%	3.5%	2.8%
Violent offenses	255	69.4%	5.9%	3.1%		9.8%	6.7%	5.1%
Murder ^d	8	—	—	—		—	—	—
Negligent Manslaughter	10	—	—	—		—	—	—
Assault	69	58.0	4.3	5.8		11.6	11.6	8.7
Robbery	82	61.0	14.6	3.7		11.0	4.9	4.9
Rape	28	75.0	0	0		17.9	3.6	3.6
Other sex offenses ^d	52	88.5	0	1.9		0	5.8	3.8
Kidnaping	3	—	—	—		—	—	—
Threats against the President	3	—	—	—		—	—	—
Property offenses	5,712	85.4%	1.8%	1.4%		5.4%	3.4%	2.6%
Fraudulent	4,656	86.6%	1.5%	1.4%		4.7%	3.2%	2.6%
Embezzlement	891	89.9	0.4	1.3		4.6	2.0	1.7
Fraud ^d	3,223	86.7	1.4	1.5		4.4	3.1	2.9
Forgery	341	80.6	4.4	1.2		6.5	4.7	2.6
Counterfeiting	201	81.1	2.5	1.0		7.0	7.5	1.0
Other	1,056	80.0%	3.0%	1.5%		8.1%	4.3%	3.0%
Burglary	32	78.1	3.1	3.1		3.1	9.4	3.1
Larceny ^d	765	78.8	3.8	1.2		9.3	4.3	2.6
Motor vehicle theft	93	76.3	1.1	4.3		6.5	5.4	6.5
Arson and explosives	46	84.8	0	0		2.2	6.5	6.5
Transportation and stolen property	108	89.8	0.9	1.9		5.6	0.9	0.9
Other property offenses ^d	12	83.3	0	0		8.3	0	8.3
Drug offenses	1,609	83.5%	3.5%	1.1%		3.9%	4.6%	3.5%
Trafficking	1,513	83.9	3.4	0.9		3.8	4.6	3.4
Possession and other drug offenses	96	77.1	5.2	3.1		5.2	5.2	4.2
Public-order offenses	2,399	89.7%	1.0%	1.0%		3.4%	2.6%	2.3%
Regulatory	539	88.5%	0.7%	1.1%		5.2%	2.4%	2.0%
Agriculture	27	88.9	3.7	3.7		0	0	3.7
Antitrust	27	96.3	0	0		0	0	3.7
Food and drug	31	100	0	0		0	0	0
Transportation	27	88.9	3.7	0		0	7.4	0
Civil rights	14	78.6	0	0		7.1	0	14.3
Communications	49	93.9	0	0		2.0	2.0	2.0
Custom laws	29	75.9	0	6.9		13.8	3.4	0
Postal laws	32	71.9	3.1	6.3		15.6	0	3.1
Other regulatory offenses	303	89.1	0.3	0.3		5.6	3.0	1.7
Other	1,860	90.1%	1.1%	1.0%		2.8%	2.7%	2.3%
Weapons	463	83.2	2.4	1.7		3.9	5.4	3.5
Immigration offenses	240	85.8	0.4	1.3		2.5	5.8	4.2
Tax law violations ^d	581	94.5	0.7	0.5		2.2	1.0	1.0
Bribery	138	94.9	0.7	0.7		1.4	0.7	1.4
Perjury, contempt, and intimidation	70	88.6	0	0		8.6	1.4	1.4
National defense	10	—	—	—		—	—	—
Escape	25	80.0	0	4.0		4.0	8.0	4.0
Racketeering and extortion	141	94.3	0.7	1.4		2.8	0	0.7
Gambling	136	98.5	0	0		0.7	0	0.7
Obscene material ^d	17	94.1	0	0		0	0	5.9
Migratory birds	8	—	—	—		—	—	—
All other offenses	31	80.6	3.2	3.2		3.2	3.2	6.5
Misdemeanors^d	8,158	80.8%	3.0%	2.4%		7.7%	4.2%	2.0%
Fraudulent property offense	915	85.6	1.6	1.5		6.1	2.8	2.3
Larceny	991	81.4	2.2	3.0		7.7	4.4	1.2
Drug possession ^d	1,287	75.2	7.5	3.8		7.6	4.4	1.6
Immigration	203	71.4	3.4	10.3		7.4	5.4	2.0
Traffic offenses	2,596	81.0	2.0	1.7		8.6	4.5	2.2
Other misdemeanors	2,166	82.3	2.3	1.8		7.3	3.9	2.4

Note: Total includes 5 offenders whose reason for termination could not be determined; percentages were based on the 18,139 offenders whose reason could be determined. Offenses for 11 felony offenders could not be classified. See *Chapter notes*, item 1, p. 87.

^a—Too few cases to obtain statistically reliable data.

^bSee *Chapter notes*, item 2, p. 87, and "Offense classifications" in *Methodology*, p. 89.

^cSupervision terminated with incarceration or removal to inactive status for violation of supervision conditions other than charges for new offenses.

^cSupervision terminated with incarceration or removal to inactive status after arrest for a "major" or "minor" offense.

In this table, "Murder" includes nonnegligent manslaughter; "Other sex offenses" may include some nonviolent offenses; "Fraud" excludes tax fraud; "Larceny" excludes transportation of stolen property; "Other property offenses" excludes fraudulent property offenses, and includes destruction of property and trespass; "Tax law violations" includes tax fraud; "Obscene material" denotes the mail or transport thereof; "Misdemeanors" includes misdemeanors, petty offenses, and unknown offense levels; and "Drug possession" also includes other drug misdemeanors.

Table 6.2. Characteristics of offenders terminating probation supervision, October 1, 1994–September 30, 1995

Offender characteristic	Number of probation terminations	Percent of probation supervisions terminating with—					Administrative case closures
		No violation	Technical violations ^a			New crime ^b	
			Drug use	Fugitive status	Other		
All offenders^c	18,144	83.5%	2.4%	1.8%	6.1%	3.8%	2.4%
Sex							
Male	13,493	82.4%	2.5%	2.0%	6.3%	4.3%	2.5%
Female	4,648	86.5	2.3	1.4	5.2	2.5	2.2
Race							
White	12,623	86.3%	2.0%	1.6%	4.7%	3.2%	2.3%
Black	4,688	76.3	3.6	2.3	9.7	5.5	2.6
Other	742	81.8	2.2	2.2	6.7	3.9	3.2
Ethnicity							
Hispanic	1,587	78.8%	2.6%	4.2%	6.6%	5.3%	2.5%
Non-Hispanic	16,557	83.9	2.4	1.6	6.0	3.7	2.4
Age							
16-18 years	129	53.5%	6.2%	7.8%	12.4%	14.0%	6.2%
19-20 years	489	67.1	5.1	5.1	11.7	8.2	2.9
21-30 years	4,851	77.2	3.7	2.7	9.0	5.5	1.9
31-40 years	5,487	82.6	2.9	1.8	6.3	4.2	2.1
Over 40 years	7,154	90.0	0.9	0.9	3.4	1.8	3.0
Education							
Less than high school graduate	4,823	76.7%	3.2%	2.9%	8.0%	5.7%	3.4%
High school graduate	6,943	84.0	2.7	1.7	6.2	3.3	2.1
Some college	4,136	86.6	1.9	1.1	5.3	3.2	1.9
College graduate	2,078	92.4	0.4	0.7	2.4	1.9	2.1
Drug abuse							
No known abuse	14,756	86.6%	1.1%	1.5%	5.2%	3.2%	2.3%
Drug history	3,377	69.7	8.2	3.3	9.7	6.4	2.7

Note: Total includes terminations of supervision for 11 offenders whose offense category was missing or indeterminable; see *Chapter notes*, item 1, p. 87.

^bSupervision terminated with incarceration or removal to inactive status after arrest for a "major" or "minor" offense.

^cIncludes offenders with unknown characteristics.

^aSupervision terminated with incarceration or removal to inactive status for violation of supervision conditions other than charges for new offenses.

Table 6.3. Outcomes of parole or supervised release, by offense, October 1, 1994–September 30, 1995

Most serious offense of conviction ^a	Number of pa- role or super- vised release terminations	Percent of probation supervisions terminating with—					
		No violation	Technical violations ^b			New crime ^c	Administrative case closures
			Drug use	Fugitive status	Other		
All offenses	17,879	60.8%	8.7%	3.8%	11.0%	11.5%	4.3%
Felonies	17,076	60.6%	8.8%	3.8%	10.9%	11.6%	4.3%
Violent offenses	1,893	39.3%	14.2%	5.9%	16.8%	19.0%	4.9%
Murder ^d	84	57.1	4.8	2.4	15.5	13.1	7.1
Negligent manslaughter	14	78.6	7.1	0	7.1	0	7.1
Assault	178	50.3	7.3	5.1	19.8	16.9	0.6
Robbery	1,356	33.7	17.8	6.3	16.6	20.4	5.3
Rape	100	49.5	3.0	4.0	21.2	18.2	4.0
Other sex offenses ^d	86	73.3	1.2	3.5	10.5	8.1	3.5
Kidnaping	59	33.9	8.5	10.2	15.3	25.4	6.8
Threats against the President	16	37.5	0	18.8	25.0	6.3	12.5
Property offenses	4,744	64.6%	5.7%	4.1%	11.7%	10.7%	3.3%
Fraudulent	3,405	68.6%	4.8%	3.7%	10.3%	9.4%	3.1%
Embezzlement	579	84.9	2.8	2.1	5.2	3.1	1.9
Fraud ^d	2,255	67.7	3.8	3.5	11.6	9.9	3.4
Forgery	313	55.0	10.9	5.8	10.2	14.7	3.5
Counterfeiting	258	57.0	10.1	6.2	10.9	12.8	3.1
Other	1,339	54.3%	7.9%	5.0%	15.2%	13.9%	3.7%
Burglary	117	43.6	7.7	6.0	21.4	16.2	5.1
Larceny ^d	791	51.8	9.1	4.6	17.4	13.4	3.7
Motor vehicle theft	166	56.6	6.0	5.4	10.2	19.3	2.4
Arson and explosives	89	62.9	5.6	4.5	6.7	15.7	4.5
Transportation and stolen property	159	65.4	6.3	5.7	10.7	8.8	3.1
Other property offenses ^d	17	70.6	0	11.8	0	5.9	11.8
Drug offenses	7,352	62.7%	9.8%	3.0%	9.0%	10.4%	5.2%
Trafficking	7,038	63.7	9.6	2.8	8.6	10.1	5.1
Possession and other drug offenses	314	38.5	14.6	5.7	16.6	17.2	7.3
Public-order offenses	3,079	62.7%	7.7%	3.8%	10.6%	11.5%	3.6%
Regulatory	448	78.8%	5.8%	1.1%	8.7%	4.0%	1.6%
Agriculture	12	83.3	0	0	8.3	0	8.3
Antitrust	11	100	0	0	0	0	0
Food and drug	9	—	—	—	—	—	—
Transportation	19	89.5	5.3	0	0	5.3	0
Civil rights	29	79.3	6.9	0	3.4	6.9	3.4
Communications	22	81.8	0	4.5	13.6	0	0
Custom laws	24	87.5	4.2	0	4.2	4.2	0
Postal laws	20	25.0	15.0	5.0	30.0	25.0	0
Other regulatory offenses	302	79.5	6.3	1.0	8.6	3.0	1.7
Other	2,631	60.0%	8.1%	4.3%	10.9%	12.8%	3.9%
Weapons	1,370	52.0	11.8	4.1	12.5	15.9	3.7
Immigration offenses	329	59.9	1.2	7.9	12.2	14.6	4.3
Tax law violations ^d	152	80.3	3.3	2.0	8.6	3.3	2.6
Bribery	73	83.6	1.4	1.4	1.4	4.1	8.2
Perjury, contempt, and intimidation	102	80.4	2.0	1.0	5.9	4.9	5.9
National defense	17	88.2	5.9	0	0	0	5.9
Escape	180	45.6	14.4	8.3	9.4	16.7	5.6
Racketeering and extortion	282	73.0	2.5	2.8	10.3	7.8	3.6
Gambling	65	90.8	1.5	0	4.6	0	3.1
Obscene material ^d	15	66.7	0	0	26.7	6.7	0
Migratory birds	2	—	—	—	—	—	—
All other offenses	44	70.5	6.8	6.8	6.8	9.1	0
Misdemeanors^d	803	64.3%	6.6%	5.0%	12.3%	9.3%	2.5%
Fraudulent property offense	88	60.2	4.5	3.4	14.8	11.4	5.7
Larceny	111	57.7	8.1	4.5	17.1	11.7	0.9
Drug possession ^d	275	57.5	10.5	7.3	13.8	8.7	2.2
Immigration	4	—	—	—	—	—	—
Traffic offenses	162	74.7	0.6	3.7	9.9	7.4	3.7
Other misdemeanors	163	71.8	6.1	3.7	8.0	9.8	0.6

Note: Total includes termination of supervision for 17 offenders whose outcomes were missing. Percentages were based on the 17,862 offenders whose reason for termination could be determined. In addition, offenses for 8 felony offenders could not be determined; see *Chapter notes*, item 1, p. 87.

^aToo few cases to obtain statistically reliable data.

^bSee *Chapter notes*, item 2, p. 87, and "Offense classifications" in *Methodology*, p. 89.

^cSupervision terminated with incarceration or removal to inactive status for violation of supervision conditions other than charges for new offenses.

^dSupervision terminated with incarceration or removal to inactive status after arrest for a "major" or "minor" offense.

In this table, "Murder" includes nonnegligent manslaughter; "Other sex offenses" may include some nonviolent offenses; "Fraud" excludes tax fraud; "Larceny" excludes transportation of stolen property; "Other property offenses" excludes fraudulent property offenses, and includes destruction of property and trespass; "Tax law violations" includes tax fraud; "Obscene material" denotes the mail or transport thereof; "Misdemeanors" includes misdemeanors, petty offenses, and unknown offense levels; and "Drug possession" also includes other drug misdemeanors.

Table 6.4. Characteristics of offenders terminating parole or supervised release, October 1, 1994–September 30, 1995

Offender characteristic	Number of terminations of parole or supervised release	Percent terminating supervisions with—					
		No violation	Technical violations ^a			New crime ^b	Administrative case closures
			Drug use	Fugitive status	Other		
All offenders^c	17,879	60.8%	8.7%	3.8%	11.0%	11.5%	4.3%
Sex							
Male	15,519	58.9%	8.8%	3.9%	11.5%	12.3%	4.6%
Female	2,358	73.4	7.7	3.3	7.3	6.2	2.0
Race							
White	12,054	66.6%	6.7%	3.7%	9.1%	9.6%	4.4%
Black	5,113	47.0	13.8	4.0	14.7	16.3	4.2
Other	599	59.5	5.5	4.3	17.2	10.7	2.7
Ethnicity							
Hispanic	2,729	56.6%	9.0%	5.4%	11.4%	11.7%	5.9%
Non-Hispanic	15,150	61.5	8.6	3.5	10.9	11.5	4.0
Age							
16-18 years	4	—	—	—	—	—	—
19-20 years	79	20.3	12.7	8.9	32.9	24.1	1.3
21-30 years	3,818	49.3	10.9	4.8	16.3	15.3	3.5
31-40 years	6,495	59.4	10.0	4.1	10.9	12.0	3.7
Over 40 years	7,453	68.3	6.2	3.0	8.1	9.1	5.3
Education							
Less than high school graduate	7,256	53.5%	10.7%	4.7%	12.7%	14.0%	4.4%
High school graduate	6,090	61.6	8.9	3.5	10.8	11.1	4.1
Some college	3,290	68.5	6.2	3.0	9.1	9.3	3.9
College graduate	1,143	82.4	1.9	1.7	5.5	4.7	3.7
Drug abuse							
No known abuse	9,587	70.7%	3.1%	3.2%	8.6%	9.6%	4.7%
Drug history	8,289	49.3	15.1	4.5	13.7	13.7	3.7

Note: Total includes terminations of supervision for 8 offenders whose offense category was missing or indeterminable; see *Chapter notes*, item 1, p. 87.
 —Too few cases to obtain statistically reliable data.

^aViolation of supervision conditions other than charges for new offenses.

^bIncludes both "major" and "minor" offenses.

^cIncludes offenders with unknown characteristics.

Table 6.5. Supervision outcomes for offenders entering supervision, by type of release, October 1, 1994–September 30, 1995

Type of release	Total offenders entering supervision during 1995	Total offenders with 12 or more months of supervision ordered	Percent of offenders entering supervision during 1995 who had violations during the first year of supervision				
			All violations	Technical violations ^a		Other	New crime ^b
				Drug use	Fugitive status		
All offenders	36,626	33,504	12.2%	3.1%	1.7%	4.2%	3.2%
Parole	2,554	2,337	19.9%	7.6%	1.8%	5.5%	5.0%
Supervised release	18,714	17,990	13.3%	3.5%	1.9%	4.2%	3.6%
Mandatory release	1,058	712	17.1%	2.9%	1.4%	6.3%	6.5%
Probation imposed	14,300	12,465	8.9%	1.7%	1.3%	3.7%	2.2%
Felonies	6,863	6,561	5.3	1.2	0.6	1.9	1.5
Misdemeanors	7,437	5,904	12.9	2.3	2.0	5.7	2.8

^a Removal to inactive supervision or return to incarceration for violation of supervision conditions other than charges for new offenses; see *Chapter notes*, item 3, p. 87.

^b Removal to inactive supervision or return to incarceration after arrest for a "major" or "minor" offense.

Table 6.6. Federal offenders under supervision, by offense, October 1, 1994–September 30, 1995

Most serious offense of conviction ^a	Total offenders under supervision		Type of supervision					
	Number	Percent	Probation		Supervised release		Parole	
	Number	Percent	Number	Percent	Number	Percent	Number	Percent
All offenses^b	85,662	100%	35,778	100%	40,040	100%	9,844	100%
Felonies	74,260	86.8%	25,060	70.2%	39,372	98.5%	9,828	99.9%
Violent offenses	4,753	5.6%	611	1.7%	2,072	5.2%	2,070	21.0%
Murder ^c	273	0.3	46	0.1	79	0.2	148	1.5
Negligent manslaughter	33	—	21	0.1	11	—	1	—
Assault	416	0.5	133	0.4	228	0.6	55	0.6
Robbery	3,251	3.8	207	0.6	1,410	3.5	1,634	16.6
Rape	298	0.3	81	0.2	157	0.4	60	0.6
Other sex offenses ^c	275	0.3	103	0.3	125	0.3	47	0.5
Kidnaping	176	0.2	15	—	38	0.1	123	1.2
Threats against the President	31	—	5	—	24	0.1	2	—
Property offenses	27,512	32.2%	14,465	40.5%	11,745	29.4%	1,302	13.2%
Fraudulent	21,989	25.7%	11,671	32.7%	9,528	23.8%	790	8.0%
Embezzlement	3,915	4.6	1,828	5.1	2,005	5.0	82	0.8
Fraud ^c	15,771	18.4	8,644	24.2	6,563	16.4	564	5.7
Forgery	1,048	1.2	571	1.6	374	0.9	103	1.0
Counterfeiting	1,255	1.5	628	1.8	586	1.5	41	0.4
Other	5,523	6.5%	2,794	7.8%	2,217	5.5%	512	5.2%
Burglary	317	0.4	58	0.2	157	0.4	102	1.0
Larceny ^c	3,521	4.1	2,077	5.8	1,242	3.1	202	2.1
Motor vehicle theft	597	0.7	214	0.6	318	0.8	65	0.7
Arson and explosives	335	0.4	99	0.3	164	0.4	72	0.7
Transportation of stolen property	689	0.8	309	0.9	310	0.8	70	0.7
Other property offenses ^c	64	0.1	37	0.1	26	0.1	1	—
Drug offenses	29,343	34.3%	4,305	12.1%	19,361	48.4%	5,677	57.7%
Trafficking	26,865	31.4	3,897	10.9	17,580	44.0	5,388	54.8
Other drug offenses	2,478	2.9	408	1.1	1,781	4.5	289	2.9
Public-order offenses	12,534	14.7%	5,616	15.7%	6,142	15.4%	776	7.9%
Regulatory	2,192	2.6%	1,326	3.7%	804	2.0%	62	0.6%
Agriculture	85	0.1	45	0.1	38	0.1	2	—
Antitrust	50	0.1	40	0.1	10	—	0	—
Food and drug	81	0.1	58	0.2	22	0.1	1	—
Transportation	103	0.1	64	0.2	31	0.1	8	0.1
Civil rights	103	0.1	36	0.1	53	0.1	14	0.1
Communications	122	0.1	85	0.2	35	0.1	2	—
Custom laws	99	0.1	65	0.2	32	0.1	2	—
Postal laws	110	0.1	69	0.2	36	0.1	5	0.1
Other regulatory offenses	1,439	1.7	864	2.4	547	1.4	28	0.3
Other	10,342	12.1%	4,290	12.0%	5,338	13.3%	714	7.3%
Weapons	3,731	4.4	830	2.3	2,688	6.7	213	2.2
Immigration offenses	959	1.1	421	1.2	526	1.3	12	0.1
Tax law violations ^c	2,129	2.5	1,544	4.3	488	1.2	97	1.0
Bribery	544	0.6	318	0.9	214	0.5	12	0.1
Perjury, contempt, and intimidation	347	0.4	143	0.4	177	0.4	27	0.3
National defense	63	0.1	27	0.1	32	0.1	4	—
Escape	359	0.4	87	0.2	230	0.6	42	0.4
Racketeering and extortion	1,451	1.7	463	1.3	704	1.8	284	2.9
Gambling	468	0.5	311	0.9	147	0.4	10	0.1
Obscene material ^c	64	0.1	35	0.1	25	0.1	4	—
Migratory birds	10	—	7	—	3	—	0	—
All other offenses	217	0.3	104	0.3	104	0.3	9	0.1
Misdemeanors^c	11,402	13.3%	10,718	30.0%	668	1.7%	16	0.2%
Fraudulent property offenses	1,687	2.0	1,599	4.5	88	0.2	0	—
Larceny	1,384	1.6	1,295	3.6	86	0.2	3	—
Drug possession ^c	2,049	2.4	1,824	5.1	223	0.6	2	—
Immigration misdemeanors	361	0.4	355	1.0	6	—	0	—
Traffic offenses	2,792	3.3	2,686	7.5	106	0.3	0	—
Other misdemeanors	3,129	3.7	2,959	8.3	159	0.4	11	0.1
Unknown or indeterminable offense	118		63		52		3	

—Less than .05%.

^aSee *Chapter notes*, item 2, p. 87, and "Offense classifications" in *Methodology*, p. 89.

^bTotal includes offenders whose offense category could not be determined; see *Chapter notes*, item 4, p. 87.

^cIn this table, "Murder" includes nonnegligent manslaughter; "Other sex of-

fenses" may include some nonviolent offenses; "Fraud" excludes tax fraud; "Larceny" excludes transportation of stolen property; "Other property offenses" excludes fraudulent property offenses, and includes destruction of property and trespass; "Tax law violations" includes tax fraud; "Obscene material" denotes the mail or transport thereof; "Misdemeanors" includes misdemeanors, petty offenses, and unknown offense levels; and "Drug possession" also includes other drug misdemeanors.

Table 6.7. Average time to first release and percent of sentence served, for prisoners released, October 1, 1994–September 30, 1995

Most serious original offense of conviction ^a	All offenders			Prisoners with sentences of 1 year or less			Prisoners with sentences over 1 year			
	Number of prisoners released ^b	Mean time served	Median time served	Number of prisoners released ^b	Mean time served	Median time served	Number of prisoners released ^b	Mean time served	Median time served	Percent of sentence served
All prisoners	27,127	26.5 mo	19.1 mo	8,260	4.6 mo	4.0 mo	18,867	36.1 mo	28.7 mo	85.2%
Violent offenses	1,647	51.9 mo	40.1 mo	137	5.7 mo	6.0 mo	1,510	56.1 mo	44.3 mo	80.9%
Murder/manslaughter ^c	50	70.8	52.3	3	—	—	47	74.9	56.7	76.2
Assault	240	24.9	16.5	79	5.6	6.0	161	34.4	29.6	87.7
Robbery	1,161	57.4	44.5	41	5.5	6.0	1,120	59.3	45.5	80.0
Rape	10	—	—	0	...	...	10	—	—	—
Other sex offenses ^c	141	29.0	20.9	13	6.2	6.0	128	31.3	23.4	86.2
Kidnaping	35	111.2	99.8	0	...	...	35	111.2	99.8	68.2
Threats against the President	10	—	—	1	—	—	9	—	—	—
Property offenses	5,924	15.7 mo	12.0 mo	2,331	5.3 mo	5.0 mo	3,593	22.5 mo	18.3 mo	86.3%
Fraudulent	4,680	14.9 mo	12.0 mo	1,895	5.3 mo	5.0 mo	2,785	21.5 mo	17.4 mo	86.2%
Embezzlement	427	9.6	6.0	250	4.0	4.0	177	17.6	15.6	86.4
Fraud ^c	3,766	15.6	12.0	1,436	5.4	5.0	2,330	21.9	18.2	85.9
Forgery	142	14.2	11.4	65	5.3	5.0	77	21.7	18.2	87.5
Counterfeiting	345	14.2	11.9	144	6.3	6.0	201	19.9	14.8	89.0
Other	1,244	18.7 mo	13.1 mo	436	5.2 mo	5.0 mo	808	26.1 mo	20.9 mo	86.4%
Burglary	73	27.3	20.9	8	—	—	65	29.9	23.5	87.1
Larceny ^c	595	12.1	9.4	322	4.9	4.9	273	20.5	15.7	88.1
Motor vehicle theft	116	22.2	16.9	23	6.6	6.0	93	26.0	20.9	85.7
Arson and explosives	47	35.0	28.7	6	—	—	41	39.3	31.4	80.6
Transportation and stolen property	155	21.9	15.7	35	6.3	6.0	120	26	20.0	84.2
Other property offenses ^c	258	25.2	22.8	42	5.1	6.0	216	29.1	24.7	86.7
Drug offenses	11,006	37.6 mo	32.3 mo	975	6.0 mo	6.0 mo	10,031	40.6 mo	35.8 mo	85.0%
Trafficking	10,564	38.7	34.8	630	6.4	6.0	9,934	40.8	35.9	84.9
Possession and other drug offenses	442	9.7	6.0	345	5.2	5.0	97	25.8	12.6	91.9
Public-order offenses	8,373	14.7 mo	6.0 mo	4,728	3.9 mo	3.9 mo	3,645	28.7 mo	21.0 mo	86.5%
Regulatory	522	17.6 mo	13.0 mo	186	5.5 mo	5.0 mo	336	24.3 mo	18.4 mo	86.0%
Antitrust	8	—	—	6	—	—	2	—	—	—
Labor law	3	—	—	0	...	...	3	—	—	—
Food and drug	3	—	—	3	—	—	0	...	...	...
Other regulatory offenses	508	17.8	13.1	177	5.6	5.0	331	24.3	18.5	85.9
Other	7,851	14.5 mo	6.0 mo	4,542	3.9 mo	3.3 mo	3,309	29.1 mo	21.0 mo	86.5%
Weapons	1,386	31.4	26.1	137	6.4	6.0	1,249	34.2	26.4	87.3
Immigration offenses	4,581	6.9	4.0	3,695	3.7	3.0	886	20.1	20.9	88.4
Tax law violations ^c	350	14.3	11.2	153	5.2	5.0	197	21.4	16.0	82.5
Bribery	103	13.8	10.5	45	5.1	5.0	58	20.5	15.7	87.6
Perjury, contempt, and intimidation	67	17.7	12.2	23	6.0	6.0	44	23.9	18.4	89.1
National defense	14	39.7	24.8	3	—	—	11	48.9	32.2	82.0
Escape	175	17.3	13.9	51	6.8	6.0	124	21.7	18.3	87.4
Racketeering and extortion	687	35.6	28.7	66	6.5	6.0	621	38.6	31.3	82.0
Liquor	1	—	—	0	...	...	1	—	—	—
Obscene material ^c	23	29.4	18.2	1	—	—	22	30.2	19.5	87.4
Traffic	337	3.3	2.0	307	2.3	1.5	30	12.8	12.0	97.9
Migratory birds	30	10.5	8.0	18	5.0	6.0	12	18.6	12.5	87.8
All other offenses	97	12.4	11.3	43	5.1	5.9	54	18.1	14.9	91.7
Other prisoners^d	177	15.7 mo	11.0 mo	89	5.5 mo	5.9 mo	88	26.1 mo	20.9 mo	91.9%

Note: Total includes prisoners whose offense category could not be determined. Methods for calculating average time served and percent of sentence served differ from those used in the 1993 and prior compendia. See *Chapter notes*, items 5-9, p. 87.

—Too few cases to obtain statistically reliable data.

...No case of this type occurred in the data.

^aSee *Chapter notes*, item 5, p. 87, and "Offense classifications" in *Methodology*, p. 89.

^bThis column excludes prisoners who left Federal prison by extraordinary means, such as death, sentence commutation, and treaty transfer. The total number of prisoners who left prison due to extraordinary means in fiscal year 1995 was 769. See *Chapter notes*, item 6, p. 87.

^cIn this table, "Murder" includes nonnegligent manslaughter; "Other sex offenses" may include some nonviolent offenses; "Fraud" excludes tax fraud; "Larceny" excludes transportation of stolen property; "Other property offenses" excludes fraudulent property offenses, and includes destruction of property and trespass; "Tax law violations" includes tax fraud; and "Obscene material" denotes the mail or transport thereof.

^dOffense not classifiable or not a violation of U.S. Code.

Table 6.8. Mean time served to first release, by length of sentence imposed, offense, and type of case, for prisoners released during October 1, 1994–September 30, 1995

Sentence imposed ^a	Number of months served for ^b —						
	All offenses	Violent offenses	Property offenses		Drug offenses	Public-order offenses	
			Fraudulent	Other		Regulatory	Other
Old law							
All releases	69.1 mo	117.4 mo	33.6 mo	55.8 mo	71.3 mo	42.4 mo	52.4 mo
1-12 mo ^c	4.2	5.0	4.3	4.5	3.8	4.7	4.2
13-24	11.8	11.6	11.2	11.5	12.9	9.3	12.1
25-36	19.0	18.0	18.9	17.3	18.3	19.2	18.0
37-48	24.3	24.6	24.9	26.1	23.9	12.0	23.7
49-60	31.4	38.0	30.4	32.5	31.8	32.4	30.9
61-72	37.6	38.3	36.3	35.9	38.4	35.8	38.2
73-84	46.0	53.0	44.4	47.1	47.0	39.6	45.3
85-96	52.3	59.2	38.0	54.9	52.8	56.0	49.8
97-108	57.7	76.7	56.6	64.8	54.9	69.2	62.6
109-120	62.4	74.5	52.2	68.0	60.7	...	63.8
121-144	68.8	84.2	61.1	67.7	67.9	72.7	70.3
145-180	86.3	88.9	83.3	61.6	86.5	86.5	85.6
181-240	101.7	110.3	68.9	86.4	99.7	60.0	105.5
241-300	115.9	127.9	91.7	116.7	101.9	80.0	111.2
Over 300	134.7	150.2	109.3	147.0	122.6	148.5	117.7
Life sentence	218.5	218.5	...	...	...	...	...
New law							
All releases	23.0 mo	35.1 mo	13.6 mo	16.4 mo	34.4 mo	15.8 mo	12.9 mo
1-12 mo ^c	4.6	5.7	5.3	5.2	6.0	5.5	3.9
13-24	14.1	14.2	13.9	14.2	14.1	14.2	14.5
25-36	24.3	25.6	24.0	24.3	24.7	23.5	23.5
37-48	34.9	35.7	34.9	35.1	34.7	34.3	34.9
49-60	45.1	46.6	45.5	46.2	44.8	45.5	44.9
61-72	54.6	56.9	54.4	54.3	54.5	57.3	53.5
73-84	66.8	66.9	70.8	65.6	66.8	65.4	66.7
85-96	75.7	76.9	75.2	...	75.6	73.7	76.0
97-108	84.6	85.2	84.9	84.5	84.5	...	84.3
109-120	—	...	...	...	—	...	...
121-144	**	**	**	**	**	**	**
145-180	**	**	**	**	**	**	**
181-240	**	**	**	**	**	**	**
241-300	**	**	**	**	**	**	**
Over 300	**	**	**	**	**	**	**
Life sentence	**	**	**	**	**	**	**
All cases							
All releases	26.5 mo	51.9 mo	14.9 mo	18.7 mo	37.6 mo	17.6 mo	14.5 mo
1-12 mo ^c	4.6	5.7	5.3	5.2	6.0	5.5	3.9
13-24	14.1	14.1	13.8	14.2	14.1	14.2	14.4
25-36	24.2	25.5	23.7	24.0	24.7	23.4	23.3
37-48	34.4	35.6	33.1	34.5	34.5	33.8	34.2
49-60	44.2	46.6	41.7	44.5	44.2	43.7	43.2
61-72	53.3	56.4	44.5	48.4	53.8	43.6	51.7
73-84	64.7	66.6	54.0	63.9	65.3	48.2	63.5
85-96	72.0	74.5	45.4	54.9	72.5	69.3	71.4
97-108	75.4	83.7	59.2	71.4	76.1	69.2	71.9
109-120	63.3	74.5	52.2	68.0	62.4	...	63.8
121-144	68.8	84.2	61.1	67.7	67.9	72.7	70.3
145-180	86.3	88.9	83.3	61.6	86.5	86.5	85.6
181-240	101.7	110.3	68.9	86.4	99.7	60.0	105.5
241-300	115.9	127.9	91.7	116.7	101.9	80.0	111.2
Over 300	134.7	150.2	109.3	147.0	122.6	148.5	117.7
Life sentence	218.5	218.5	...	...	...	...	...

Note: Total excludes prisoners released by extraordinary means. Methods for calculating average time served and percent of sentence served differ from those used in the 1993 and prior compendia. See *Chapter notes*, items 5-9, p. 87.

—Too few cases to obtain statistically reliable data.

...No case of this type occurred within the data.

**As of fiscal year 1995, those new law inmates who were sentenced to more than 111 months of imprisonment and were released could only have been released by extraordinary means (such as commutation and death), since the Federal Sentencing Guidelines only took effect as of November 1987. See *Chapter notes*, item 6, p. 87.

^aSentence for the single most serious offense.

^bSee *Chapter notes*, item 5, p. 87, and "Offense classifications" in *Methodology*, p. 89.

^cThe interval includes days up through the upper bound and days to upper bound of the previous interval.

Table 6.9. Percent of sentence served to first release, by length of sentence imposed, offense, and type of case, for prisoners released during October 1, 1994–September 30, 1995

Sentence imposed ^a	Percent of sentence served for ^b —						
	All offenses	Violent offenses	Property offenses		Drug offenses	Public-order offenses	
			Fraudulent	Other		Regulatory	Other
Old law							
All releases	59.4%	54.8%	64.1%	58.4%	57.0%	63.4%	65.4%
1-12 mo ^c	90.0	83.3	89.3	75.1	93.0	81.2	92.7
13-24	80.1	84.1	74.8	77.7	75.8	77.7	87.9
25-36	75.2	70.4	71.8	61.4	79.0	71.3	71.5
37-48	65.9	68.3	66.0	69.7	66.3	33.3	64.8
49-60	64.2	79.1	61.3	67.7	64.8	67.7	64.4
61-72	62.6	63.7	60.4	59.8	63.5	64.7	63.3
73-84	62.9	73.6	60.4	65.3	64.1	54.9	62.4
85-96	61.5	70.4	44.5	65.4	62.0	66.7	58.7
97-108	60.0	79.8	58.9	67.5	57.0	72.1	65.2
109-120	57.3	67.7	48.3	63.0	55.9	...	58.1
121-144	57.0	69.0	50.7	56.4	56.3	58.4	58.4
145-180	57.5	59.4	55.3	42.8	57.6	60.1	56.0
181-240	54.5	58.4	37.1	47.1	54.0	33.3	55.7
241-300	47.3	52.2	38.2	48.6	41.6	33.3	45.1
Over 300	37.2	41.8	27.6	44.3	33.4	46.2	32.8
Life sentence ^d	43.9	43.9	...	...	...	...	...
New law							
All releases	92.3%	89.6%	93.8%	93.9%	89.5%	92.8%	95.3%
1-12 mo ^c	100.4	99.6	100.1	102.0	103.9	100.3	99.7
13-24	90.1	91.0	89.9	90.5	89.8	88.9	90.5
25-36	87.7	87.9	87.4	87.7	87.6	87.9	87.8
37-48	87.5	87.8	87.4	88.0	87.4	87.5	87.6
49-60	87.6	88.0	87.5	87.7	87.5	87.7	87.6
61-72	87.6	88.2	87.6	88.0	87.5	88.3	87.7
73-84	87.6	88.0	88.8	88.0	87.5	87.2	87.4
85-96	87.6	88.3	88.0	...	87.5	87.7	87.5
97-108	87.4	87.8	88.4	88.0	87.4	...	87.7
109-120	—	...	...	...	—	...	...
121-144	**	**	**	**	**	**	**
145-180	**	**	**	**	**	**	**
181-240	**	**	**	**	**	**	**
241-300	**	**	**	**	**	**	**
Over 300	**	**	**	**	**	**	**
Life sentence ^d	**	**	**	**	**	**	**
All cases							
All releases	89.8%	82.4%	91.8%	91.8%	86.7%	90.9%	94.1%
1-12 mo ^c	100.4	99.4	100	101.9	103.8	99.7	99.7
13-24	89.9	90.8	89.5	90.4	89.6	88.7	90.5
25-36	87.4	87.7	86.5	86.7	87.6	87.5	87.4
37-48	86.6	87.7	83.6	86.7	86.9	86.2	86.1
49-60	86.1	88.0	80.9	85.3	86.5	84.9	84.9
61-72	85.8	87.5	72.8	78.9	86.5	73.3	84.9
73-84	85.1	87.7	70.7	86.0	85.7	65.7	83.8
85-96	83.4	85.9	53.2	65.4	84.0	82.4	82.4
97-108	78.0	86.5	61.6	74.3	78.7	72.1	74.8
109-120	58.2	67.7	48.3	63.0	57.5	...	58.1
121-144	57.0	69.0	50.7	56.4	56.3	58.4	58.4
145-180	57.5	59.4	55.3	42.8	57.6	60.1	56
181-240	54.5	58.4	37.1	47.1	54.0	33.3	55.7
241-300	47.3	52.2	38.2	48.6	41.6	33.3	45.1
Over 300	37.2	41.8	27.6	44.3	33.4	46.2	32.8
Life sentence ^d	43.9	43.9	...	...	...	...	...

Note: Total excludes prisoners released by extraordinary means. Methods for calculating average time served and percent of sentence served differ from those used in the 1993 and prior compendia; see *Chapter notes*, items 5-9, p. 87.

—Too few cases to obtain statistically reliable data.

...No cases of this type occurred within the data.

**As of fiscal year 1995, those new law inmates who were sentenced to more than 111 months of imprisonment and were released could only have been released by extraordinary means (such as commutation and death), since the Federal Sentencing Guidelines only took effect as of November 1987. See *Chapter notes*, item 6, p. 87.

^aSentence for the single most serious offense.

^bSee *Chapter notes*, item 5, p. 87, and "Offense classifications" in *Methodology*, p. 89.

^cThe interval includes days up through the upper bound and days to upper bound of the previous interval.

^dPercent of life sentence served is based on a life sentence set equal to 470 months, the average life expectancy of Federal prisoners.

Table 6.10. Admissions and releases of Federal prisoners, by offense, October 1, 1994–September 30, 1995

Most serious original offense of conviction ^a	Population at start of year	Prisoners received			Prisoners released			Population at end of year	Net population change
		District court		All other	First release				
		1 year or less	Over 1 year		1 year or less	Over 1 year	All other ^b		
All offenses	83,871	8,337	24,229	12,527	8,260	18,867	13,179	88,658	4,787
Violent offenses	11,021	131	1,881	2,308	137	1,510	2,285	11,409	388
Murder/manslaughter ^c	971	8	95	168	3	47	124	1,068	97
Assault	625	75	156	320	79	161	307	629	4
Robbery	8,187	33	1,361	1,539	41	1,120	1,582	8,377	190
Rape	120	0	3	26	0	10	19	120	0
Other sex offenses ^c	545	14	183	118	13	128	108	611	66
Kidnaping	508	0	69	62	0	35	68	536	28
Threats against the President	65	1	14	75	1	9	77	68	3
Property offenses	7,924	2,375	3,585	3,608	2,331	3,593	3,726	7,842	-82
Fraudulent	5,773	1,926	2,884	2,279	1,895	2,785	2,359	5,823	50
Embezzlement	326	275	162	192	250	177	201	327	1
Fraud ^c	4,788	1,459	2,478	1,627	1,436	2,330	1,688	4,898	110
Forgery	266	69	72	256	65	77	273	248	-18
Counterfeiting	393	123	172	204	144	201	197	350	-43
Other	2,151	449	701	1,329	436	808	1,367	2,019	-132
Burglary	180	10	50	98	8	65	88	177	-3
Larceny ^c	839	341	232	821	322	273	889	749	-90
Motor vehicle theft	211	18	84	105	23	93	104	198	-13
Arson and explosives	163	7	52	30	6	41	24	181	18
Transportation of stolen property	259	35	80	101	35	120	97	223	-36
Other property offenses ^c	499	38	203	174	42	216	165	491	-8
Drug offenses	50,479	996	12,739	3,876	975	10,031	4,302	52,782	2,303
Trafficking	50,085	653	12,637	3,499	630	9,934	3,909	52,401	2,316
Possession and other drug offenses	394	343	102	377	345	97	393	381	-13
Public-order offenses	13,624	4,732	5,810	2,500	4,728	3,645	2,638	15,655	2,031
Regulatory	871	192	376	246	186	336	269	894	23
Agriculture	0	0	2	2	0	0	2	2	2
Antitrust	2	6	2	3	6	2	2	3	1
Labor law	5	0	1	3	0	3	5	1	-4
Food and drug	11	2	1	5	3	0	6	10	-1
Other regulatory offenses	853	184	370	233	177	331	254	878	25
Other	12,753	4,540	5,434	2,254	4,542	3,309	2,369	14,761	2,008
Weapons	6,654	142	2,092	785	137	1,249	841	7,446	792
Immigration offenses	2,436	3,702	1,878	293	3,695	886	308	3,420	984
Tax law violations ^c	383	147	188	149	153	197	153	364	-19
Bribery	114	50	59	20	45	58	25	115	1
Perjury, contempt, and intimidation	85	23	40	29	23	44	32	78	-7
National defense	56	3	15	4	3	11	6	58	2
Escape	298	53	126	105	51	124	103	304	6
Racketeering and extortion	2,407	65	915	172	66	621	203	2,669	262
Gambling	2	0	0	0	0	0	2	0	-2
Liquor	2	1	0	0	0	1	0	2	0
Obscene material ^c	67	7	42	25	1	22	26	92	25
Traffic	111	297	27	565	307	30	574	89	-22
Migratory birds	19	15	8	20	18	12	17	15	-4
All other offenses	119	35	44	87	43	54	79	109	-10
Unknown or indeterminable offenses	823	103	214	235	89	88	228	970	147

Note: For further information, see *Chapter notes*, items 5, 6, 7, and 10, p. 87.

^aSee *Chapter notes*, item 5, p. 87, and "Offense classifications" in *Methodology*, p. 89.

^bAll other releases includes prisoners released by extraordinary means, including death and commutation. For a breakout of release types, see *Chapter notes*, item 6, p. 87.

^cIn this table, "Murder" includes nonnegligent manslaughter; "Other sex offenses" may include some nonviolent offenses; "Fraud" excludes tax fraud; "Larceny" excludes transportation of stolen property; "Other property offenses" excludes fraudulent property offenses, and includes destruction of property and trespass; "Tax law violations" includes tax fraud; and "Obscene material" denotes the mail or transport thereof.

Table 6.11. First releases from prison, by offense and offender characteristics, October 1, 1994–September 30, 1995

Offender characteristic	Total number of released offenders	Percent of released offenders convicted of*—						
		All offenses	Violent offenses	Property offenses		Drug offenses	Public-order offenses	
				Fraudulent	Other		Regulatory	Other
New law cases								
Number of releases	25,084	25,084	1,310	4,367	1,171	10,049	488	7,533
Sex								
Male	2,964	88.2%	93.1%	79.1%	88.0%	86.8%	82.6%	94.7%
Female	22,074	11.8	6.9	20.9	12.0	13.2	17.4	5.3
Race								
White	18,541	74.1%	55.5%	70.3%	62.9%	71.5%	79.7%	84.3%
Black	5,746	22.9	28.3	26.0	32.5	27.2	18.6	13.3
Other	751	3.0	16.2	3.7	4.7	1.3	1.6	2.4
Ethnicity								
Hispanic	9,092	36.3%	7.9%	11.1%	6.8%	36.8%	20.1%	61.4%
Non-Hispanic	15,946	63.7	92.1	88.9	93.2	63.2	79.9	38.6
Age								
16-18 years	208	0.8%	2.4%	0.2%	0.9%	0.6%	...	1.2%
19-20 years	1,095	4.4	7.2	1.7	5.3	4.4	2.9	5.3
21-30 years	9,723	38.8	42.4	27.6	37.9	39.6	30.9	44.5
31-40 years	8,108	32.4	31.9	31.3	30.8	34.4	29.9	30.9
Over 40 years	5,904	23.6	16.1	39.1	25.1	20.9	36.3	18.1
Citizenship								
U.S. citizen	15,762	64.0%	96.1%	83.8%	93.4%	67.7%	84.1%	35.8%
Not U.S. citizen	8,853	36.0	3.9	16.2	6.6	32.3	15.9	64.2
All cases								
Number of releases	27,127	27,127	1,647	4,680	1,244	11,006	522	7,851
Sex								
Male	3,051	88.7%	94.1%	80.1%	88.7%	87.6%	83.3%	94.8%
Female	24,023	11.3	5.9	19.9	11.3	12.4	16.7	5.2
Race								
White	20,070	74.1%	54.3%	71.5%	63.3%	72.1%	80.5%	84.0%
Black	6,200	22.9	31.2	25.0	32.2	26.5	18.0	13.6
Other	804	3.0	14.5	3.5	4.5	1.4	1.5	2.3
Ethnicity								
Hispanic	9,483	35.0%	7.8%	10.6%	6.6%	36.4%	19.3%	59.4%
Non-Hispanic	17,591	65.0	92.2	89.4	93.4	63.6	80.7	40.6
Age								
16-18 years	210	0.8%	2.0%	0.2%	0.8%	0.6%	...	1.1%
19-20 years	1,109	4.1	6.1	1.6	5.0	4.1	2.7	5.1
21-30 years	10,095	37.3	41.9	25.9	36.7	37.7	29.7	43.3
31-40 years	8,868	32.8	34.1	30.7	31.1	35.1	30.1	30.9
Over 40 years	6,792	25.1	15.9	41.6	26.4	22.5	37.5	19.5
Citizenship								
U.S. citizen	17,481	65.6%	96.7%	84.6%	93.8%	68.2%	84.5%	38.0%
Not U.S. citizen	9,161	34.4	3.3	15.4	6.2	31.8	15.5	62.0

Note: Totals include prisoners whose offense category could not be determined; and excludes prisoners released by extraordinary means such as commutation and death; see *Chapter notes*, items 5-9, p. 87.

...No case of this type occurred in the data.

*See *Chapter notes*, item 5, p. 87, and "Offense classifications" in *Methodology*, p. 89.

Table 6.12. Mean time served to first release from Federal prison, by offense and offender characteristics, October 1, 1994–September 30, 1995

Offender characteristic	Total number of prisoners released	Mean time served for*—						
		All offenses	Violent offenses	Property offenses		Drug offenses	Public-order offenses	
				Fraudulent	Other		Regulatory	Other
New law cases								
All prisoners	25,084	23.0 mo	35.1 mo	13.6 mo	16.4 mo	34.4 mo	15.8 mo	12.9 mo
Sex								
Male	2,964	23.2 mo	35.7 mo	14.3 mo	17.3 mo	34.7 mo	16.2 mo	12.8 mo
Female	22,074	21.1	27.4	10.9	10.1	31.9	14.0	13.3
Race								
White	18,541	21.3 mo	36.5 mo	13.6 mo	17.1 mo	32.9 mo	15.2 mo	11.1 mo
Black	5,746	28.8	37.1	13.9	14.8	38.1	18.8	24.3
Other	751	20.2	27.0	10.6	18.9	33.4	13.2	11.7
Ethnicity								
Hispanic	9,092	18.9 mo	35.1 mo	10.5 mo	18.1 mo	32.9 mo	15.8 mo	8.3 mo
Non-Hispanic	15,946	25.3	35.1	14.0	16.3	35.2	15.8	20.1
Age								
16-18 years	208	16.1 mo	24.4 mo	6.2 mo	16.3 mo	26.6 mo	...	6.5 mo
19-20 years	1,095	22.1	34.0	11.0	17.7	33.6	15.9	9.5
21-30 years	9,723	22.1	35.1	11.7	15.8	33.6	15.9	11.3
31-40 years	8,108	24.2	37.5	13.8	16.8	34.6	16.6	14.2
Over 40 years	5,904	23.2	32.5	14.8	16.6	35.7	15.2	16.0
Citizenship								
U.S. citizen	15,762	25.9 mo	35.4 mo	14.2 mo	16.7 mo	34.3 mo	15.8 mo	21.7 mo
Not U.S. citizen	8,853	18.3	32.5	11.3	14.4	34.7	15.7	8.2
All cases								
All prisoners	27,127	26.5 mo	51.9 mo	14.9 mo	18.7 mo	37.6 mo	17.6 mo	14.5 mo
Sex								
Male	3,051	27.0 mo	53.1 mo	15.8 mo	19.8 mo	38.2 mo	18.1 mo	14.5 mo
Female	24,023	22.2	33.3	11.5	10.1	33.0	14.8	14.1
Race								
White	20,070	24.6 mo	51.7 mo	15.2 mo	19.3 mo	36.4 mo	17.1 mo	12.7 mo
Black	6,200	32.8	60.0	14.6	17.5	40.7	20.0	25.9
Other	804	24.2	35.6	11.0	19.8	37.2	13.2	12.4
Ethnicity								
Hispanic	9,483	21.2 mo	51.4 mo	11.1 mo	18.6 mo	36.1 mo	16.4 mo	8.8 mo
Non-Hispanic	17,591	29.3	52.0	15.4	18.7	38.4	17.8	22.7
Age								
16-18 years	210	17.0 mo	29.7 mo	6.2 mo	16.3 mo	26.6 mo	...	6.5 mo
19-20 years	1,109	22.9	39.2	11.0	17.7	34.4	15.9	9.5
21-30 years	10,095	24.7	52.9	12.0	17.4	35.5	17.5	11.9
31-40 years	8,868	28.3	56.0	15.0	20.0	38.4	18.7	16.2
Over 40 years	6,792	27.4	48.5	16.9	19.4	40.6	16.9	19.2
Citizenship								
U.S. citizen	17,481	30.1 mo	52.8 mo	15.7 mo	19.2 mo	37.7 mo	17.4 mo	24.7 mo
Not U.S. citizen	9,161	20.1	34.7	11.6	14.7	37.7	18.5	8.4

Note: Totals include prisoners whose offense category could not be determined ;and excludes prisoners released by extraordinary means such as commutation and death; see *Chapter notes*, items 5-9, p. 87.

...No case of this type occurred in the data.

*See *Chapter notes*, item 5, p. 87, and "Offense classifications" in *Methodology*, p. 89.

1) Tables 6.1-6.4 were created from the probation, parole, and supervision data files of the Federal Probation Supervision Information System (FPSIS), which is maintained by the AOUSC. Only records with one or more terminations of active supervision during October 1, 1994, through September 30, 1995, were selected. Each termination was counted separately. Technical violations and terminations for new crimes are shown only if supervision terminated with incarceration or removal from active supervision for reasons of a violation.

Corporate defendants were excluded from tables 6.1-6.4.

2) Offenders were classified according to their most serious offense at conviction. In cases involving multiple offenses, the AOUSC offense severity hierarchy was applied. The most serious offense was the one with the most severe penalty imposed. If equal prison terms were imposed, or there was no imprisonment, the offense with the highest severity code, as determined by the *U.S. Title and Code Criminal Offense Citations Manual*, was selected.

3) Table 6.5 was also created from the FPSIS data files. Records with supervision opened or reinstated during fiscal year 1995 were selected and tracked for a period of 12 months, or, if the offender violated their supervision before the 12-month period concluded, until the time of the violation. This represents a departure from the 1993 and prior compendia, which only considered time that fell within the calendar year in which an offender began supervision. Therefore, direct comparisons between this *Compendium* and the 1993 and prior compendia are not valid.

Corporate defendants were also excluded from table 6.5.

4) Table 6.6 was created using the FPSIS data files as well. Year-end pending cases (that is, records with offenders who were under

active supervision as of the end of the fiscal year, September 30, 1995) were selected.

Corporate defendants were excluded from table 6.6.

5) Tables 6.7-6.12 were created from the Federal Bureau of Prisons (BOP) data files.

Tables 6.7-6.9 and 6.11-6.12 include only prisoners committed by U.S. district courts or released by standard methods by the BOP during fiscal year 1995. Standard methods of release include full-term sentence expirations, expirations with good time, mandatory releases, and releases to parole. Table 6.10 also shows sentenced prisoners in the custody of the BOP at the end of fiscal year 1995.

In these tables, a single person may be counted more than once if that person was committed into, or released from, the BOP more than one time during fiscal year 1995, or if that person appears in more than one column in a table, e.g., commitment and population.

Offense categories in these tables were based on combinations of offense designations used by the BOP. They are similar, but may not be directly comparable, to the categories used in other tables of this *Compendium*. Offenses for some prisoners admitted or released were not able to be classified; these offenders were included in the totals and are shown as "other prisoners" on the last line of tables.

In these tables, offenses were classified according to the offense associated with the longest single sentence actually imposed. Classifications in other tables may have been based on the longest potential sentence allowed by law.

6) Types of release for persons released from Federal prison during fiscal year 1995 are shown in the table below.

Type of Release	Total	Old law	New law
All releases	27,896	2,113	25,783
Standard releases*	27,127	2,043	25,084
Extraordinary releases	769	70	699
Commutation	342	27	315
Death	195	34	161
Transfers	159	9	150
Other	73	0	73

*Standard releases include expirations, mandatory release, and release to parole.

7) Tables 6.7-6.12 distinguish between prisoners committed by U.S. district courts for violations of the U.S. Code and other prisoners. Prisoners released after commitment from U.S. district court are called "first releases." Only first releases that have standard methods of release are included in tables 6.7-6.12. The other admissions and releases include offenders who returned to prison after their first release (such as probation, parole, or supervised release violators), offenders convicted in other courts (such as military or District of Columbia courts), and persons admitted to prison as material witnesses or for purposes of treatment, examination, or transfer to another authority. Offenders who entered or left a prison temporarily — such as for transit to another location, for health care, or to serve a weekend sentence — were not counted as admitted or released. Persons who were detained for deportation by the Immigration and Naturalization Service and who were not criminal offenders were also not included in the tables.

8) Tables 6.7, 6.8, 6.9, 6.11, and 6.12 include only prisoners committed by U.S. district courts and released by standard means by the BOP during fiscal year 1995. Prisoners committed by U.S. district court — but not for a violation of the U.S. Code, or whose offense could not be classified — were included in the total but are not shown separately. Table 6.10,

however, shows these prisoners separately. Other prisoners — such as probation and parole violators and prisoners committed by other courts, such as courts martial or District of Columbia Superior Court — were excluded from tables 6.7, 6.8, 6.9, 6.11, and 6.12, as were other persons admitted to Federal prison but not committed from a U.S. district court.

9) In tables 6.7, 6.8, 6.9, 6.11, and 6.12, time served was calculated for prisoners committed from U.S. district courts only. Time served in prison is the number of months from the prisoner's arrival into jurisdiction of the BOP until first release from prison, plus any jail time served and credited. The calculation is the same as that currently used by the BOP. Prisoners serving consecutive sentences may have total imposed sentences exceeding the longest single sentence length. Accordingly, time actually served may exceed the longest single imposed sentence. The percent of sentence served (in tables 6.7, 6.8, and 6.9) is the average of each individual prisoner's percent of sentence served. Because other publications may include different groups of prisoners, calculate time served differently, or use a different offense classification, data in tables in this *Compendium* may differ from estimates of time served in previous publications by the BOP or in publications based on other data sources.

Time served, as reported in tables 6.7, 6.8, 6.9, 6.11, and 6.12 in this *Compendium*, may not be directly comparable to the calculation of time served in the 1993 and prior compendia. The methodology in this report uses additional information to identify prison commitment dates and account for jail credit. In previous reports, jail credits were overestimated in some cases. In addition, the current method of calculating time served includes only prisoners who were released by standard methods.

Those released by non-standard methods, or "extraordinary" means, such as death, commutation, and transfer are excluded from the time-served calculation. The table below shows the estimates of time served for all offenses and for major offense categories based on the current and former methodologies.

	Current method	Former method
All offenses	26.8	28.0
Violent offenses	52.2	57.9
Property offenses	15.8	16.9
Drug offenses	37.7	39.3
Public-order offenses	15.0	15.4

10) Table 6.10 shows all persons admitted to, or released from, the jurisdiction of the BOP during fiscal year 1995 and those persons in Federal prisons at the start and end of the fiscal year. A single person may be counted in one or more columns of this table. The column heading "first release" refers to those prisoners whose commitment to the BOP was by a U.S. district court during any year, but who were first released during fiscal year 1995. Prisoners counted in this column are the same as prisoners included in tables 6.7, 6.8, and 6.9. The release column labeled "All other" includes prisoners released by extraordinary means, which include death, commutation, and release by transfer. Table 6.10 shows in separate columns, as well as in the total, prisoners committed by a U.S. district court — but not for a violation of the U.S. code, or whose offense could not be classified. Other columns in table 6.10 include prisoners who were committed by other courts, returned to prison for violation of the conditions of supervision, or were received for examination, treatment, or transfer to another jurisdiction. Offenders who returned to prison for a violation of the conditions of supervision, without a new court commitment, were classified according to the offense with the longest single

sentence originally imposed at conviction.

The Federal justice database

Source of data

The source of data for all tables in this *Compendium* is the Bureau of Justice Statistics (BJS) Federal justice database. The database is presently constructed from source files provided by the Executive Office for U.S. Attorneys, the Administrative Office of the U.S. Courts, the United States Sentencing Commission, and the U.S. Bureau of Prisons. The Administrative Office of the U.S. Courts also maintains the data collected by the Pretrial Services Administration, the U.S. Court of Appeals, and the U.S. Probation Officers. Federal law prohibits the use of these files for any purposes other than research or statistics. A description of the source agency data files is provided in the table at the end of this section.

Some records in the Federal justice database are matched according to a statistically weighted combination of names, other personal identifiers, dates of court appearances, types of offenses, and other relevant information contained in the files. Using the matched data files, it is possible to combine information about two or more stages of the processing of a criminal matter or case, for example from adjudication to probation or parole supervision.

Reporting period

Wherever possible, matters or cases have been selected according to some event which occurred during fiscal year 1995 (October 1, 1994, through September 30, 1995). Some data files provided by source agencies are organized according to a calendar year time frame; these have been combined and divided into fiscal years for purposes of the *Compendium*. Files which are organized by their source agencies according to fiscal year nonetheless include some pertinent records in later years' files. For example, tabulations of suspects in matters concluded during fiscal year 1995 in this *Compendium* have been assembled from source files

containing records of 1995 matters concluded which were entered into the data system during fiscal years 1995 or 1996.

Availability of data items

The availability of particular items of information is affected by the data source. For example, data on prosecutors' decisions prior to court filing are provided for cases investigated by U.S. attorneys, but not for those handled by other litigating divisions of the U.S. Department of Justice. Criminal Division cases enter the data base once they are filed in U.S. district court, however.

Many items of social and demographic information come from pre-sentence investigation records, supervision records, or sentencing records, and are available only for arrested defendants who were convicted and/or began serving a sentence involving supervised release. This particularly affects sex, race, ethnicity, and prior record information.

Data on offender characteristics in chapters 3 and 4 are limited to offenders convicted and sentenced pursuant to the Federal sentencing guidelines whose records have been reported to the U.S. Sentencing Commission. Currently, it is estimated that more than 90% of the felony defendants convicted in U.S. district courts are sentenced pursuant to the Federal sentencing guidelines. The Federal sentencing guidelines do not cover class B and C misdemeanors or infractions or traffic offenses occurring on Federal land.

Table construction and interpretation

Unit of analysis

The unit of analysis in chapters 1 through 5 is a combination of a person (or corporation) and a matter or case. For example, if a single person is involved in three different criminal cases during the time period

specified in the table, he or she is counted three times in the tabulation. Similarly, if a single criminal case involves a corporate defendant and four individual defendants, it counts five times in the tabulation. In chapter 6, the unit of analysis for incarceration, probation, parole, or other supervised release is a person entering custody or supervision, or a person leaving custody or supervision. For example, a person convicted in two concurrent cases and committed once to the custody of the U.S. Bureau of Prisons in the indicated time period is counted as one admission to a term of incarceration. A person who terminates probation twice in the indicated time period, such as with a violation and again after reinstatement, is counted as two terminations of probation.

Interpretation

The tables in the *Compendium* are constructed to permit the user to make valid comparisons of numbers within each table and to compare percentage rates across tables. The total numbers of subjects in *Compendium* tables that are based on records linked between two files are generally less than the total number of records in either source file. Accordingly, comparisons of absolute numbers across two or more tables in this volume and other data sources are not necessarily valid.

Offense classifications

Procedure

The offense classification procedure used in this *Compendium* is based on the classification system followed by the Administrative Office of the U.S. Courts. Specific offenses combined to form the BJS categories shown in the *Compendium* tables.*

*These categories correspond to the Bureau of Justice Statistics crime definitions and, to the extent possible, are organized and presented consistent with BJS publications on State criminal justice systems.

For data from the Executive Office for U.S. Attorneys, which include United States Code citations but do not include the Administrative Office offense classifications, United States Code titles and sections are translated into the Administrative Office classification system and then aggregated into the offense categories used in the tables. Offense categories for prisoners in chapter 6 are based on combinations of offense designations used by the Bureau of Prisons. They are similar to the categories in other chapters and other tables in chapter 6, but may not be directly comparable.

Felony/misdemeanor distinctions

Felony and misdemeanor distinctions are provided where possible. Felony offenses are those with a maximum penalty of more than 1 year in prison. Misdemeanor offenses are those with a maximum penalty of 1 year or less. Felonies and misdemeanors are further classified using the maximum term of imprisonment authorized. Section 3559, U.S. Code, Title 18 classifies offenses according to the following schedule:

Felonies

Class A felony — life imprisonment, or if the maximum penalty is death.

Class B felony — 25 years or more.

Class C felony — less than 25 years but more than 10 years.

Class D felony — less than 10 years but more than 5 years.

Class E felony — less than 5 years but more than 1 year.

Misdemeanors

Class A misdemeanor — 1 year or less but more than 1 month.

Class B misdemeanor — 6 months or less but more than 30 days.

Class C misdemeanor — 30 days or less but more than 5 days.

Infraction — 5 days or less, or if no imprisonment is authorized.

In this *Compendium*, felony and misdemeanor distinctions are provided where the data permit these distinctions. Chapter 1 does not use this distinction because many suspects cannot be so classified at the investigation stage in the criminal justice process. Chapter 2 no longer reports this distinction because the Pretrial Services Agency no longer gathers this information. Chapters 3 and 4 distinguish between felony and misdemeanor offenses, as do tables 6.1–6.6. Tables 6.7–6.10 follow the convention of other BJS publications by separately tabulating offenders whose actual imposed sentences are less than or equal to 1 year and those whose actual sentences are greater than 1 year.

Most serious offense selection

Where more than one offense is charged or adjudicated, the most serious offense (the one that may or did result in the most severe sentence) is used to classify offenses. The offense description may change as the criminal justice process proceeds. Tables indicate whether investigated, charged or adjudicated offenses are used. In chapter 1, the most serious offense is based on the criminal lead charge as determined by the assistant U.S. attorney responsible for the criminal proceeding. In chapter 2, the major charged offense is based upon the Administrative Office's offense severity classification system, as determined by the pretrial officer responsible for the case. To select this offense, the officer ranks offenses according to severity based on maximum imprisonment, type of crime, and maximum fines. In chapters 3 and 4, the most serious offense charged is based on statutory maximum penalties. In chapter 3, the most serious offense charged is the one that has the most severe potential sentence. For chapter 4, conviction offenses are based on statutory maximum penalties. In chapter 5, offenses are classified by the offense of conviction. In tables 6.1–6.6, the most serious offense of

conviction is either the one having the longest sentence imposed or, if equal sentences were imposed or there was no imprisonment, it was the offense carrying the highest severity code as determined by the Administrative Office's offense severity code ranking. In tables 6.7–6.12, prisoners are classified according to the offense which bears the longest single incarceration sentence.

Offense categories

For offense categories in all text tables, the following conditions apply:

"Murder" includes nonnegligent manslaughter.

"Other sex offenses" may include some nonviolent offenses.

"Fraud" excludes tax fraud.

"Larceny" excludes transportation of stolen property.

"Other property felonies" excludes fraudulent property offenses, and includes destruction of property and trespass.

"Tax law violations" includes tax fraud.

"Obscene material" denotes the mail or transport thereof.

"All other felonies" includes felonies with unknown or unclassifiable offense type.

"Misdemeanors" includes misdemeanors, petty offenses, and unknown offense levels.

"Drug possession" also includes other drug misdemeanors.

Figure S.2.

Figure S.2. uses data from the Executive Office for U.S. Attorneys (EOUSA) to provide an overview of case processing in the Federal criminal justice system. The figure uses data from two separate cohorts of persons involved in criminal proceedings. The data on suspects in criminal matters concluded and defendants prosecuted come from

the cohort of suspects in matters concluded during October 1, 1994, through September 30, 1995. (The filing of charges in a criminal case is one conclusion of a matter; the other is the declination of the matter for prosecution.) For the other three outcomes in figure S.2. — offenders convicted, sentenced to prison, or given a term of probation — the data come from the cohort of defendants in cases terminating during fiscal year 1995 in U.S. district courts (by either a judge or a magistrate).

A total of 102,309 suspects were investigated in matters concluded by U.S. attorneys during 1995 (table 1.2). Sixty-five percent of these suspects were prosecuted in U.S. district court, either before U.S. district court judges ($55,703/102,309 = 54.4\%$) or before U.S. magistrates ($10,710/102,309 = 10.5\%$). The conviction data in figure S.2. refer to defendants in cases terminated in U.S. district court during 1995, whether before U.S. district court judges or U.S. magistrates. Forty-six percent of the defendants in cases terminating during 1995 were convicted ($47,556/102,309$).

Of the defendants investigated, 31% ($31,805/102,309$) were reported as sentenced to a term of imprisonment, and 13% ($12,986/102,309$) were sentenced to a term of probation without imprisonment. These figures are based on all charges, whether they eventually were felony or misdemeanor offenses.

Source agencies for *Compendium* data tables

Data source agency—data files	Description of data files contents	<i>Compendium</i> tables
Executive Office for U.S. Attorneys (EOUSA)—Central System and Central Charge Files	Contains information on the investigation and prosecution of suspects in criminal matters received and concluded, criminal cases filed and terminated, and criminal appeals filed and handled by U.S. attorneys. The central system files contain defendant-level records about the processing of matters and cases; the central charge files contain the records of the charges filed and disposed in criminal cases. Data are available on matters and cases filed, pending, and terminated.	Prosecution: 1.1, 1.2., 1.3., 1.4, 1.5
AOUSC: Pretrial Services Agency (PSA)—Pretrial Services Act Information System	Contains data on defendants interviewed, investigated, or supervised by pretrial services. The information covers defendants' pretrial hearings, detentions, and releases from the time they are interviewed through the disposition of their cases in district court.	Pretrial release: 2.1, 2.2., 2.3., 2.4, 2.5, 2.6, 2.7, 2.8, 2.9, 2.10 Adjudication: 3.5 (defendant characteristics)
Administrative Office of the U.S. Courts (AOUSC): Criminal Termination Files	Contains information about the criminal proceedings against defendants whose cases were filed in U.S. district courts. Includes information on felony defendants, Class A misdemeanants — whether handled by U.S. district court judges or U.S. magistrates — and other misdemeanants provided they were handled by U.S. district court judges. The information in the data files cover criminal proceedings from case filing through disposition and sentencing. Data are available on criminal defendants in cases filed, pending, and terminated.	Adjudication: 3.1, 3.2, 3.3, 3.5 Sentencing: 4.1, 4.2, 4.3
United States Sentencing Commission (USSC)—Monitoring Data Base	Contains information on criminal defendants sentenced pursuant to the provisions of the Sentencing Reform Act of 1984. It is estimated that more than 90% of felony defendants in the federal criminal justice system are sentenced pursuant to the SRA of 1984. Data files are limited to those defendants whose records have been obtained by the U.S. Sentencing Commission.	Adjudication: 3.5 (defendant characteristics) Sentencing: 4.4, 4.5, 4.6 (defendant characteristics)
AOUSC: Court of Appeals	Contains information on criminal appeals filed and terminated in U.S. Courts of Appeals. Records of appeals filed, pending, or terminated include information on the nature of the criminal appeal, the underlying offense, and the disposition of the appeal.	Appeals: 5.1, 5.2, 5.3, 5.4
AOUSC—Federal Probation and Supervision Information System (FPSIS)	Contains information about supervisions provided by probation officers for persons placed on probation or supervised release from prison. The files contain records of individuals entering, or currently on supervision, as well as records of offenders terminating supervision.	Corrections: 6.1, 6.2, 6.3, 6.4, 6.5, 6.6
Bureau of Prisons (BOP): Extract from BOP's online Sentry System	The data extracts contain information on all offenders released from prison over a specific period of time plus information about the offenders in prison when the data extracts are made. The information covers the time that offenders enter prison until their release from the jurisdiction of the Bureau of Prisons.	Corrections: 6.7, 6.8, 6.9, 6.10, 6.11, 6.12

Glossary

Acquittal — legal judgment that a criminal defendant has not been proven guilty beyond a reasonable doubt of the charges against him.

Affirmed — in the appellate courts, the decree or order is declared valid and will stand as rendered in the lower court.

Agriculture violations — violations of the Federal statutes on agriculture and conservation: for example, violations of the Agricultural Acts, Insecticide Act, and the Packers and Stockyards Act, 1921; also violations of laws concerning plant quarantine and the handling of animals pertaining to research (7 U.S.C., except sections on food stamps (fraud); also 16 U.S.C. sections relating generally to violations in operating public parks, such as trespassing for hunting, shooting, and fishing).

Antitrust violations — offenses relating to Federal antitrust statutes, which aim to protect trade and commerce from unlawful restraints, price fixing, monopolies (*for example*, 15 U.S.C. §§ 1, 3, 8, 20, and 70(i)), and discrimination in pricing or in furnishing services or facilities (15 U.S.C. §§ 13(c) and 13(e)).

Appeal — a review by a higher court of a judgment or decision of a lower court.

Appeals, U.S. Court of — an intermediate Federal court, inferior to the U.S. Supreme Court, but higher than the U.S. district court. The function of the U.S. court of appeals is to review the final decisions of the district courts, if challenged. There are 13 courts of appeal in the Federal system representing the 12 judicial circuits and the Federal circuit (28 U.S.C. § 41).

Appellant — the party which takes an appeal from 1 court or jurisdiction to another; opposite of appellee.

Appellee — the party against whom the appeal is taken; opposite of appellant.

Arson — willfully or maliciously setting, or attempting to set, fire to any property within the special maritime and territorial jurisdiction of the United States as defined in 18 U.S.C. § 7 (18 U.S.C. § 81; and 49A U.S.C. §§ 1804 and 1809). (*See also*, "Explosives.")

Assault — intentionally inflicting or attempting or threatening to inflict bodily injury to another person. Applies to anyone within the special maritime and territorial jurisdiction of the United States as defined in 18 U.S.C. § 7, or to any Government official, foreign official, official guest, internationally protected person, or any officer or employee of the United States designated in 18 U.S.C. § 1114 (*for example*, 16 U.S.C. §§ 1857(e) and 1859; 18 U.S.C. §§ 111(a), 112(b), 113(c)(e), 114, 115(c), 351(d)(e), 372, 373, 1502, 1751(c), 1959, 2118(c), and 2231(a); 21 U.S.C. §§ 461(c), 675(b), and 1041(c); 26 U.S.C. §§ 7212(a)(b); 29 U.S.C. § 1141; 46 U.S.C. § 701; and 49A U.S.C. § 1472(k)); also certain violations of the Fair Housing Act of 1968 (42 U.S.C. §§ 3610 and 3631).

Bail — the sum of money promised as a condition of release, to be paid if a released defendant defaults (18 U.S.C. § 3142(c)).

Bribery — offering or promising anything of value with intent to unlawfully influence a public official in the discharge of official duties. Applies generally to bank employees, officers or employees of the U.S. Government, witnesses, or any common carrier. Includes soliciting or receiving anything of value in consideration of aiding a person to obtain employment in the U.S. Government. Also, receiving or soliciting any remuneration, directly or indirectly, in cash or any kind in return for purchasing, ordering, leasing, or recommending to purchase any good, service, or facility (18 U.S.C. §§ 201(a), 203(a)(b), 204, 207(a)(c), 208, 210, 211, 213, 215, and 663; 21 U.S.C. § 622; 46 U.S.C. § 239(i); and 49 U.S.C. §§ 104, 917(b), and 11904(b)).

Burglary — breaking and entering into another's property with intent to steal within the special maritime and territorial jurisdiction of the United States, as defined in 18 U.S.C. 7. Includes breaking and entering into any official bank, credit union, savings and loan institution, post office, vessel or steamboat assigned to the use of mail service, or personal property of the United States; or breaking the seal or lock of any carrier facility containing interstate or foreign shipments of freight or express (18 U.S.C. §§ 2111, 2113(a), and 2115-17).

Career offender — defendants are counted as career offenders if they are at least 18 years old at the time of the instant offense, if the instant offense of conviction is a felony—that is either a crime of violence or a drug crime; and if they have at least two prior felony convictions of either a crime of violence or a drug crime.

Case — in this *Compendium*, a judicial proceeding for the determination of a controversy between parties wherein rights are enforced or protected, or wrongs are prevented or redressed; any proceeding judicial in its nature.

Collateral bond — an agreement made by a defendant as a condition of his or her pretrial release that requires the defendant to post property valued at the full bail amount as an assurance of his or her intention to appear at trial.

Community confinement — a form of commitment either as a substitute for Federal imprisonment or as a condition of probation in a community treatment center, halfway house, restitution center, mental health facility, alcohol or drug rehabilitation center, or other community facility; and participation in gainful employment, employment search efforts, community service, vocational training, treatment, educational programs, or similar facility-approved programs during non-residential hours. Under the Federal sentencing guidelines,

community confinement may be a substitute for imprisonment on a day-to-day basis for defendants with a guideline maximum of less than 16 months of imprisonment (see also, U.S.S.G. § 5C1.1(e)).

Complaint — a written statement of the essential facts constituting the offense charged, with an offer to prove the fact, so that a prosecution may be instituted. The complaint can be "taken out" by the victim, the police officer, the district attorney, or other interested party.

Concurrent sentence — a sentence imposed which is to be served at the same time as another sentence imposed earlier or during the same proceeding (18 U.S.C. § 3584). (See also, "Consecutive sentence.")

Conditional release — in this *Compendium*, at the pretrial stage, a conditional release is release from detention contingent on any combination of restrictions that are deemed necessary to guarantee the defendant's appearance at trial or the safety of the community (see text in Chapter 2 of this *Compendium*.)

Consecutive sentence — a sentence imposed that will follow another sentence imposed earlier or during the same proceeding; opposite of concurrent sentence.

Conspiracy — an agreement by two or more persons to commit or to effect the commission of an unlawful act or to use unlawful means to accomplish an act that is not in itself unlawful; also any overt act in furtherance of the agreement. A person charged with conspiracy is classified under the substantive offense alleged.

Continuing criminal enterprise — a felony committed as part of a continuing series of violations, which is undertaken by a person in concert with five or more other persons with respect to whom such person occupies a position of organizer, a supervisory position, or any other position of management, and from which

such person obtains substantial income or resources (21 U.S.C. § 848(c)).

Conviction — the result of a criminal trial which ends in a judgment that the defendant is guilty. The final judgment on a verdict or finding of guilty, a plea of guilty, or a plea of nolo contendere, but does not include a final judgment which has been expunged by pardon, reversed, set aside, or otherwise rendered invalid.

Corporate surety — in this *Compendium*, a surety; one who has entered into a bond to give surety for another; for example, bail bondsman. As a condition of his or her release, the defendant enters into an agreement that requires a third party such as a bail bondsman to promise to pay the full bail amount in the event that the defendant fails to appear. (See also, "Surety bond.")

Counterfeiting — falsely making, forging, or altering obligations with a view to deceive or defraud, by passing the copy or thing forged for that which is original or genuine. Applies to obligation or security of the United States, foreign obligation or security, coin or bar stamped at any mint in the United States, money order issued by the Postal Service, domestic or foreign stamp, or seal of any department or agency of the United States. Includes passing, selling, attempting to pass or sell, or bringing into the United States any of the above falsely made articles. Also, making, selling, or possessing any plates or stones (or any other thing or instrument) used for printing counterfeit obligations or securities of the United States, foreign obligations or securities, Government transportation requests, or postal stamp; or knowingly and intentionally trafficking in falsified labels affixed to phonorecords, motion pictures, or audio visual works (for example, 18 U.S.C. §§ 471, 473, 477, 479, 481, 485, 487, 501, 507, 509, 513(b), 2318, and 2320).

Courts — See "Appeals, U.S. Court of" and "District court, U.S." Pursuant to Article III of the Constitution, judicial power is vested in the following Federal Courts: The U.S. Supreme Court, the U.S. Court of Appeals for the District of Columbia, and the U.S. district court for the District of Columbia.

Criminal career — the longitudinal sequence of crimes committed by an individual offender.

Criminal history category — under the Federal sentencing guidelines, a quantification of the defendant's prior criminal record and the defendant's propensity to recidivate. Guideline criminal history categories range from Category I (primarily first-time offenders) to Category VI (career criminals).

Deadly or dangerous weapon — an instrument capable of inflicting death or serious bodily injury.

Declination — the decision by a prosecutor not to file a case in a matter received for investigation. In this *Compendium*, immediate declinations (i.e., where less than 1 hour of time is spent on a case) are excluded.

Defendant — the party against whom relief or recovery is sought in an action or suit, or the accused in a criminal case.

Departure — under the Federal sentencing guidelines, the term used to describe a sentence imposed outside the applicable guideline sentencing range. A court may depart when it finds an aggravating or mitigating circumstance of a kind, or to a degree, not adequately taken into consideration by the Sentencing Commission in formulating the guidelines that should result in a sentence different from that described (18 U.S.C. § 3553(b); U.S.S.G. § 5K2.0). (See also, "Substantial assistance.")

Deposit bond — an agreement made by a defendant as a condition of his or her release that requires the

defendant to post a fraction of the bail before he or she is released.

Detention — the legally authorized confinement of persons after arrest, whether before or during prosecution. Only those persons held 2 or more days are classified as detained in this *Compendium*.

Dismissal — termination of a case before trial or other final judgment (including nolle prosequi and deferred prosecution).

Disposition — the decision made on a case brought before a criminal court.

Distribution — delivery (other than by administering or dispensing) of a controlled substance (21 U.S.C. § 802(6)). The term "controlled substance" means any drug or other substance, or immediate precursor, included in schedule I, II, III, IV, or V of part B of subchapter I of Chapter 13 (title 21). The term does not include distilled spirits, wine, malt beverages, or tobacco, as those terms are defined or used in subtitle E of the Internal Revenue Code of 1986.

District court, U.S. — trial courts with general Federal jurisdiction over cases involving Federal laws or offenses and actions between citizens of different states.

District of Columbia — the jurisdiction of the U.S. district court for the District of Columbia. This *Compendium* includes Federal offenses prosecuted in U.S. district courts, and except for tables based on data from the Bureau of Prisons, excludes violations of the District of Columbia Code and cases prosecuted in the District of Columbia Superior Court.

Drug offenses — offenses under a Federal or State laws prohibiting the manufacture, import, export, distribution, or dispensing of a controlled substance (or counterfeit substance), or the possession of a controlled substance (or a counterfeit substance) with intent to manufacture, import, export, distribute, or dispense. Also

using any communication facilities which causes or facilitates a felony under title 21, or furnishing of fraudulent or false information concerning prescriptions as well as any other unspecified drug-related offense. (See also, "Distribution," "Possession," and "Trafficking.")

Embezzlement — the fraudulent appropriation of property by a person to whom such property has been lawfully entrusted. Includes offenses committed by bank officers or employees; officers or employees of the Postal Service; officers of lending, credit, or insurance institutions; any officer or employee of a corporation or association engaged in commerce as a common carrier; court officers of the U.S. courts; or officers or employees of the United States. Also, stealing from employment and training funds, programs receiving Federal funds, and Indian tribal organizations; or selling, conveying, or disposing of any money, property, records, or thing of value to the United States or any department thereof without authority (*for example*, 15 U.S.C. § 645(c); 18 U.S.C. §§ 153, 334, 642-57, 665(a)(b), 666(b), 1163, 1709, 1711, 1956, and 1957; 25 U.S.C. § 450(d); 29 U.S.C. § 502(b); and 42 U.S.C. §§ 1760, 2971, and 3220(b)).

Escape — departing or attempting to depart from the custody of a correctional institution; a judicial, correctional, or law enforcement officer; or a hospital where one is committed for drug abuse and drug dependency problems. Knowingly advising, aiding, assisting, or procuring the escape or attempted escape of any person from a correctional facility, an officer, or the above-mentioned hospital as well as concealing an escapee. Providing or attempting to provide to an inmate in prison a prohibited object; or making, possessing, obtaining, or attempting to make or obtain a prohibited object (as defined in 18 U.S.C. § 1791(d)(1)(A)). Instigating, assisting, attempting to cause, or causing any mutiny or riot

at any Federal penal, detention, or correctional facility, or conveying into any of these institutions any dangerous instrumentalities (*for example*, 18 U.S.C. §§ 751(a)(b), 752(a), 753, 755-56, 1071, 1073, 1791(a)(c), (d)(1)(A), 1792, 3146(a)(b)(d), 3147 and 3615; 28 U.S.C. § 1826; 42 U.S.C. §§ 261 and 3425; and 50 U.S.C. § 823).

Explosives — violations of Federal law involving importation, manufacture, distribution, and storage of explosive material. Includes unlawful receipt, possession or transportation of explosives without a license (18 U.S.C. § 842(a)), where prohibited by law (18 U.S.C. § 842(c), or using explosives during commission of a felony (18 U.S.C. § 844(h)). Also includes violations relating to dealing in stolen explosives (18 U.S.C. § 842(h)), using mail or other form of communication to threaten an individual with explosives (18 U.S.C. § 844(e), and possessing explosive materials at an airport (18 U.S.C. § 844(g), and 49A U.S.C. §§ 1804 and 1809). (See also, "Arson" and 18 U.S.C. §§ 842(e)(g)(i)(k); and § 844(b).)

Failure to appear — willful absence from any court appointment.

Felony — a criminal offense punishable by death or imprisonment for a term exceeding 1 year. According to 18 U.S.C. § 3559, felonies are classified into 5 grades based on maximum terms of imprisonment: Class A felony, if the maximum term is life imprisonment, or if the maximum penalty is death; Class B, if 25 years or more; Class C, if less than 25 years, but 10 years or more; Class D, if less than 10 years, but five or more years; and Class E, if less than 5 years, but more than 1.

Filing — the initiation of a criminal case in U.S. district court by formal submission to the court of a charging document alleging that one or more named persons have committed one or more specified offenses. In this *Compendium*, each defendant in a

case is counted separately, and only the most serious alleged offense is considered.

Financial conditions — monetary conditions upon which release of a defendant before trial is contingent. Includes deposit bond, surety bond, and collateral bond. (See also, "Specific definitions.")

First release — in this *Compendium*, prisoners who are released from the Bureau of Prisons for the first time after their commitment by a U.S. district court (i.e., excludes offenders who are returned to prison after their first release, such as probation, parole, etc.).

Food and drug violations — violations of the Federal Food, Drug, and Cosmetic Act such as regulations for clean and sanitary movement of animals (21 U.S.C. § 134(b)), adulteration or misbranding of any food or drug (21 U.S.C. § 331(a)), failure to transmit information about prescription drugs (21 U.S.C. § 331(o)), and intent to defraud and distribute adulterated material (21 U.S.C. § 676). (See also, 18 U.S.C. § 1365(b); 21 U.S.C. §§ 17, 22, 63, 115, 122, 126, 134(d), 142, 144, 151, 153, 155, 158, 201, 205, 209, 210, 212, 331(b)-(g), 331(i)-(n)(p)(t), 333(a), 458(a), 459, 460(a)-(d), 461(a), 463, 466, 610(a)(c), 611(a), 620, 642, 1037, 1041(a), and 1175.)

Forgery — falsely making or materially altering a document with the intent to defraud. Includes such falsification with intent to pass off as genuine any of the following: U.S. Postal Service money order; postmarking stamp or impression; obligation or security of the United States; foreign obligation, security, or bank note; contractors' bond, bid, or public record; deed; power of attorney; letters patent; seal of a court or any department or agency of the U.S. Government; the signature of a judge or court officer; ships' papers; documents on entry of vessels; customs matters; coin or bar; and so forth. Also includes making, possessing,

selling, or printing plates or stones for counterfeiting obligations or securities, and detaching, altering, or defacing any official, device, mark or certificate (for example, 18 U.S.C. §§ 483, 493, 495, 497, 503, 505, 510(a)(b), and 511; 19 U.S.C. § 1436; and 21 U.S.C. §§ 458(b)(c)).

Fraud — unlawfully depriving a person of his or her property or legal rights through intentional misrepresentation of fact or deceit other than forgery or counterfeiting. Includes violations of statutes pertaining to lending and credit institutions, the Postal Service, interstate wire, radio, television, computer, credit card, veterans benefits, allotments, bankruptcy, marketing agreements, commodity credit, the Securities and Exchange Commission, railroad retirement, unemployment, Social Security, food stamp, false personation, citizenship, passports, conspiracy, and claims and statements, excluding tax fraud. The category excludes fraud involving tax violations that are shown in a separate category under "Public-order, other offenses." (See also, specific offenses in this glossary for citations.)

Fraudulent property offenses — see "Property offenses, fraudulent."

Gambling — the Federal offense of transporting, manufacturing, selling, possessing, or using any gambling device in the District of Columbia or any possession of the United States or within Indian country or the special maritime and territorial jurisdiction of the United States as defined in 18 U.S.C. § 7. Includes transporting gambling devices in the jurisdiction of the United States (except under authority of the Federal Trade Commission or any State that has a law providing for their exemption from these provisions), transmitting wagering information in interstate or foreign commerce, interstate transporting of wagering paraphernalia, importing or transporting lottery tickets, or mailing lottery tickets or related matter (for example, 15 U.S.C. §§ 1173 and

1175; and 18 U.S.C. §§ 1082(a), 1084, 1302, 1956, and 1962).

Good-time — time credited toward early release to an offender for good behavior in imprisonment. Under the 1984 Sentencing Reform Act, two classes of prisoners are ineligible to receive good-time credits: (1) misdemeanants serving a term of imprisonment of 1 year or less; and (2) felons serving life sentences. All other Federal prisoners receive a flat allocation of 54 days per year of sentence served; credit for a partial year remaining at the end of the sentence is prorated. The annual allotment does not change according to the length of time a Federal inmate already has spent in prison (18 U.S.C. § 3624(b)).

Guideline sentencing range — under the Federal sentencing guidelines, the range of imprisonment corresponding to the applicable guideline offense level and criminal history category. The guideline offense level incorporates any minimum terms of imprisonment required by statute as well as the statutory maximum term of imprisonment, where applicable.

Guilty plea — a plea in response to formal charges admitting that the defendant committed offenses as charged. In this *Compendium*, this category also includes pleas of nolo contendere.

Hispanic — ethnic category based on classification by reporting agency. Hispanic persons may be of any race.

Home detention — a form of confinement and supervision either as a substitute for imprisonment or as a condition of probation that restricts the defendant to his place of residence continuously (except for authorized absences) and enforced by appropriate means of surveillance by the probation office. Under the Federal sentencing guidelines, home detention may be a substitute for imprisonment on a day to day basis for defendants with a guideline

maximum sentence of less than 16 months imprisonment. (See also, U.S.S.G. § 5C1.1.)

Homicide — see "Murder."

Immigration offenses — offenses involving illegal entrance into the United States, illegally reentering after being deported, willfully failing to deport when so ordered, willfully remaining beyond days allowed on conditional permit, or falsely representing oneself to be a citizen of the United States. Includes violations relating to provisions for special agricultural workers and to those relating to limitations on immigrant status (such as employment). Also includes bringing in or harboring any aliens not duly admitted by an immigration officer (*for example*, 8 U.S.C. §§ 1160, 1252(d), 1255, 1282(a), 1286, 1324-25, and 1326(a)).

Incarceration — any sentence of confinement, including prison, jail, and other residential placements.

Indeterminate sentence — a prison sentence whose maximum or minimum term is not specifically established at the time of sentencing (18 U.S.C. §§ 4205(b)(1)(2)).

Indictment — the formal charging of the defendant with a particular crime by a grand jury. In the Federal system, a defendant may waive indictment and be proceeded against through an information. (See also, Fed. R. Crim. P. 7(b).)

Information — the formal accusation charging the defendant with a particular crime but brought by the U.S. Attorney rather than by the grand jury.

Infraction — an offense for which the maximum term of imprisonment is 5 days or less, or where no imprisonment is authorized, according to 18 U.S.C. § 3559.

Instant offense — the offense of conviction, and all relevant conduct under U.S.S.G. § 1B1.3.

Intermittent confinement — a form of commitment, in a prison or jail, either as a substitute for imprisonment or as a condition of probation. Under the Federal sentencing guidelines, intermittent confinement may be a substitute for imprisonment (each 24 hours of intermittent confinement is credited as 1 day of incarceration) for defendants with a guideline maximum of less than 16 months imprisonment. (See also, U.S.S.G. § 5C1.1.)

Jurisdictional offenses — acts that are Federal crimes because of the place in which they occur (such as on an aircraft, on Federal land or property) and for certain crimes on Indian reservations or at sea, but which cannot be classified in a more specific substantive category.

Juvenile — a person who has not attained the age of 18 years; or for the purposes of a juvenile delinquency hearing, a person who has not attained the age of 21 years (18 U.S.C. § 5031).

Juvenile delinquency — a violation of Federal law committed by a person prior to the age of 18 years which would have been a crime if committed by an adult (18 U.S.C. § 5031).

Kidnaping — unlawfully seizing any person as defined in 18 U.S.C. § 1201 for ransom or reward, except in the case of a minor by a parent. Includes receiving, possessing, or disposing of any money or other property that has been delivered as ransom or reward in connection with a kidnaping as well as conspiring to kidnap. Also, includes kidnaping or attempting to kidnap any Government official, the President of the United States, the President-elect, the Vice President, any foreign official, any official guest, or any internationally protected person. (See also, 18 U.S.C. § 351(b); and hostage taking as defined in 18 U.S.C. § 1203.)

Labor law violations — violations of, for example, the Fair Labor Standards Act of 1938 and the Taft-

Hartley Act, which govern a broad spectrum of activities relating to labor-management relations (*for example*, 29 U.S.C. §§ 186(a), 461(a), 463, 1021(b), 1022, 1023(b)(d), 1024(a)(c), 1027, 1111(a)(b), 1112(c), 1811, 1816, 1821 and 1851).

Larceny — the act of taking and carrying away any personal property of another with intent to steal or convert it to one's own use or gain. Includes stealing, possessing or illegally selling or disposing of anything of value to the United States or any of its departments or agencies; or stealing from a bank, the Postal Service, or any interstate or foreign shipments by carrier. Also encompasses receiving or possessing stolen property or pirate property; and stealing or obtaining by fraud any funds, assets, or that belong to, or are entrusted to, the custody of an Indian tribal organization (*for example*, 18 U.S.C. §§ 641, 659, 661-62, 667, 1168(a), 1704, 1707, and 2113(b)). (This offense category excludes the transportation of stolen property.)

Liquor violations — violations of Internal Revenue Service laws on liquor, as well as violations of liquor laws not cited under these laws, such as dispensing or unlawfully possessing intoxicants in Indian country; transporting intoxicating liquors into any State, territory, district, or possession where sale is prohibited; shipping packages containing unmarked and unlabeled intoxicants; shipping liquor by C.O.D.; knowingly delivering a liquor shipment to someone other than to whom it has been consigned; and violating in any way the Federal Alcohol Administration Act (*for example*, 18 U.S.C. §§ 1154, 1156, 1263 and 1265; 26 U.S.C. §§ 5113, 5171(c), 5179, 5214, 5222, 5291, 5301(b), 5601, 5603(a), 5604, 5606, 5608(a), 5661(a), 5662, 5672, 5681(a)(c), 5683, 5685(b) and 5687; and 27 U.S.C. §§ 203, 205(f), 206(b) and 208(a)).

Magistrates (U.S.) (Federal) — judicial officers appointed by judges of

Federal district courts having many but not all of the powers of a judge. Magistrates are designated to hear a wide variety of motions and other pretrial matters in both criminal and civil cases. With consent of the parties, they may conduct civil or misdemeanor criminal trials. Magistrates, however, may not preside over felony trials or over jury selection in felony cases.

Mailing or transportation of obscene materials — a violation of Federal law relating to knowingly using the mail for mailing obscene or crime-inciting matter, as defined in 18 U.S.C. § 1461 and 39 U.S.C. § 3001(e). Also includes transporting for sale or distribution, importing, or transporting any obscene matter in interstate or foreign commerce. (See also, 18 U.S.C. §§ 1462-63.)

Major offense (while on conditional release) — allegation, arrest, or conviction of a crime for which the minimum sentence is incarceration for over 90 days or greater than 1 year on probation. (See also, *PACTS Statistical Reporting Guide*, Version 1.0, Administrative Office of the U.S. Courts.)

Mandatory sentences — a sentence that includes a minimum term of imprisonment that the sentencing court is statutorily required to impose barring the government's motion of substantial assistance. See, for example, 18 U.S.C. §§ 841 and 960, which provide for mandatory sentences ranging from 5 years imprisonment to life imprisonment depending on the quantity of drugs involved.

Mandatory sentencing enhancement — a form of mandatory sentence in which the minimum term of imprisonment is to be imposed consecutive to any other term of imprisonment imposed. See, for example, 18 U.S.C. § 924(c), which provides for a 5-year to lifetime enhancement for the use of a firearm during the commission of a crime; 18 U.S.C. § 844(h), which provides for a 5-year

enhancement for use of firearms or explosives during the commission of a crime; and 18 U.S.C. § 929 which provides for a 5-year enhancement for the use of armor-piercing ammunition during the commission of a crime.

Mandatory release — the release of an inmate from prison after confinement for a time period equal to his or her full sentence minus statutory good-time, if any. Federal prisoners released on mandatory release may still be subject to a period of post-release community supervision.

Matter — in this *Compendium*, a potential case under review by a U.S. attorney on which more than 1 hour is expended.

Matters concluded — in this *Compendium*, matters about which a final decision has been reached by a U.S. attorney. Specifically includes matters filed as cases, matters declined after investigation, matters referred for disposition by U.S. magistrates, and matters otherwise terminated without reaching court.

Migratory birds offenses — violations of acts relating to birds which move from one place to another in season. Includes taking, killing, or possessing migratory birds, or any part, nest, or egg thereof, in violation of Federal regulations or the transportation laws of the State, territory, or district from which the bird was taken. Also, misuse or non-use of a migratory-bird hunting and conservation stamp (for example, 16 U.S.C. §§ 690(g), 701, 703, 704-6, 707(b), 708, 711, and 718(a)(e)(g)).

Minor offense (while on conditional release) — conviction of a crime for which the maximum sentence is incarceration for 90 days or less, probation of 1 year or less, or a fine of \$500 or less. (See also, *PACTS Statistical Reporting Guide*, Version 1.0, Administrative Office of the U.S. Courts.)

Misdemeanor — a criminal offense punishable by a jail term not

exceeding 1 year and any offense specifically defined as a misdemeanor by the Administrative Office of the U.S. Courts for the purposes of data collection. According to 18 U.S.C. § 3559, misdemeanors are classified in 3 letter grades, based on the maximum terms of imprisonment: Class A, if 1 year or less, but more than 6 months; Class B, if 6 months or less, but more than 30 days; and Class C, 30 days or less, but more than 5 days. (This category includes offenses previously called minor offenses that were reclassified under the Federal Magistrate Act of 1979.)

Mixed sentence — a sentence requiring the convicted offender to serve a term of imprisonment, followed by a term of probation. Unless otherwise noted, offenders receiving mixed sentences are included in both incarceration and probation categories. (See also, "Split sentence.")

Most serious offense — in this *Compendium*, the offense with the greatest potential sentence; or with respect to tables describing Federal prisoners, the offense with the greatest imposed sentence (for example, prison data in Chapter 6).

Motor carrier violations — violations of the Federal statutes relating to the Motor Carrier Act, which regulates (routes, rates) of motor carriers of freight and passengers in interstate commerce. The Act is administered by the Interstate Commerce Commission (for example, 15 U.S.C. §§ 1984, 1986, 1988 and 1990; 49 U.S.C. §§ 117(a), 301(f), 303(f), 322(a)(d), 411, 526, 917(f), 1021(b)(f), 11703, 11903(a), 11904, 11907, 11909(a), 11909(c), 11910, 11913, and 11914; and 49A U.S.C. § 120).

Motor vehicle theft — interstate or foreign transporting, receiving, concealing, storing, bartering, selling, or disposing of any stolen motor vehicle or aircraft (for example, 18 U.S.C. §§ 2119, 2313, and 2322; and 49A U.S.C. § 1472(i)).

Murder — the unlawful killing of a human being with malice aforethought, either express or implied. Nonnegligent manslaughter is the unlawful killing of a human being without malice. This offense covers committing or attempting to commit murder (first or second degree) or voluntary manslaughter within the special maritime and territorial jurisdiction of the United States (18 U.S.C. § 7). Includes killing or attempting to kill any Government official, the President of the United States, the President-elect, the Vice President, any officers and employees of the United States, any foreign officials, any official guests, or any internationally protected persons. As applied to the owner or charterer of any steamboat or vessel, knowingly and willfully causing or allowing fraud, neglect, misconduct, or violation of any law resulting in loss of life (18 U.S.C. §§ 113(a), 115(a), 1111-13, 1115, 1117, 1512(a)(1), 1751(a), and 2332(b)).

National defense violations — violations of the national defense laws on the Military Selective Service Act, the Defense Production Act of 1950, the Economic Stabilization Act of 1970 (which includes prices, rents, and wages), the Subversive Activities Control Act, alien registration, treason (including espionage, sabotage, sedition, and the Smith Act of 1940); also violations relating to energy facilities, curfew and restricted areas, exportation of war materials, trading with an enemy, illegal use of uniform and any other violations of the Federal statutes concerning national defense (*for example*, 8 U.S.C. §§ 1304(e) and 1306(b)(d); 10 U.S.C. §§ 976 and 2408; 18 U.S.C. §§ 703, 705, 711, 713, 792, 794, 797, 799, 953, 961, 965, 967, 970, 1366(a), 1382, 2152, 2153(b), 2154(b), 2155(b), 2156(b), 2382, 2384, 2386, 2388(a)(c), and 2390; 22 U.S.C. §§ 253, 286, 447, 447(c), 450, 455, 612, 614(b)(f), 617, 1178(c), 1182, 1199, 1978(c), 2778(b), 4198, 4202 and 5113(c); 42 U.S.C. §§ 2274(b), 2276, 2278(b) and 2384(b); and 50A U.S.C.

§§ 2, 3(a)(c), 16, 167, 210, 322, 324, 326, 328, 421(a)(c), 462, 468(b), 643(a), 781, 783(b)(d), 789, 794, 797, 851, 1152, 1705, 1436(e), 1809(c), 2062, 2071(b), 2073, 2405(a)(b), and 2410(b)).

Negligent manslaughter — causing the death of another, within the special maritime and territorial jurisdiction of the United States as defined in 18 U.S.C. § 7, by wanton or reckless disregard for human life. Also negligent manslaughter of any Government official, the President of the United States, the President-elect, the Vice President, any officers and employees of the United States, any foreign officials, any official guests, or any internationally protected persons. This offense category also includes misconduct, negligence, or inattention to duties by ship officers on a steamboat or vessel resulting in death to any person (18 U.S.C. § 1112).

New law — In this *Compendium* defendants convicted and sentenced pursuant to the Sentencing Reform Act of 1984. (*See also* "Old law.")

Nolo contendere — defendant's plea in a criminal case indicating that he or she will not contest charges, but not admitting or denying guilt.

Non-citizen — a person who is without U.S. citizenship, including legal aliens (*for example*, resident aliens, tourists, and refugees/asylees) and illegal aliens.

Not convicted — acquittal by bench or jury trial, mistrial, and dismissal (including nolle prosequi and deferred prosecution).

Not guilty — plea entered by the accused to a criminal charge. If the defendant refuses to plead, the court will enter a plea of not guilty. Also the form of a verdict in a criminal trial where the jury acquits the defendant.

Offense — violation of U.S. criminal law. In this *Compendium*, where more than 1 offense is charged, the

offense with the greatest potential penalty is reported.

Offense level — under the Federal sentencing guidelines, a quantification of the relative seriousness of the offense of conviction and any offense-specific aggravating or mitigating factors. Guideline offense levels range from level 1 (the least serious offense) to level 43 (the most serious offense).

Old law — in this *Compendium*, defendants convicted and sentenced pursuant to laws applicable before the Sentencing Reform Act of 1984. (*See also*, "New law.")

Parole — period of supervision after release from custody before the expiration of sentence. The U.S. Parole Commission is empowered to grant, modify or revoke the parole of all Federal offenders. Pursuant to the Sentencing Reform Act of 1984, parole was abolished and defendants are required to serve the imposed sentence (less 54 days per year good-time for sentences greater than 1 year, but not life imprisonment), followed by a term of supervised release. Because of the number of Federal inmates sentenced under pre-Sentencing Reform provisions, parole is being phased out. Approximately 2,500 Federal inmates were paroled by the U.S. Parole Commission during 1995.

Perjury — a false material declaration under oath in any proceeding before or ancillary to any court or grand jury of the United States. Includes knowingly or willfully giving false evidence or swearing to false statements under oath or by any means procuring or instigating any person to commit perjury. This offense also includes any officers and employees of the Government listed under 13 U.S.C. §§ 21-25 who willfully or knowingly furnish, or cause to be furnished, any false information or statement (*for example*, 2 U.S.C. § 192; 13 U.S.C. § 213; 15 U.S.C. § 2614; 18 U.S.C. §§ 401, 402, 1504, 1506, 1508, 1510, 1512(b), 1513, and

1622; 28 U.S.C. § 1866(g); 42 U.S.C. § 5411; 43 U.S.C. § 104; and 49A U.S.C. §§ 1472 (m)(o)).

Personal recognizance — pretrial release condition in which the defendant promises to appear at trial and no financial conditions are required to be met.

Petty offense — a Class B misdemeanor, a Class C misdemeanor, or an infraction with fines as specified in 18 U.S.C. §§ 3571. (See *also*, "Misdemeanor" and "Infraction.")

Plea bargaining — practice whereby a defendant in a criminal proceeding agrees to plead guilty to a charge in exchange for the prosecution's cooperation in securing a more lenient sentence or some other mitigation.

Pornographic — that which is of or pertaining to obscene literature; obscene, licentious. Material is pornographic or obscene if the average person, applying contemporary community standards, would find that the work taken as a whole appeals to the prurient interest; and if it depicts in a patently offensive way sexual conduct; and if the work taken as a whole lacks serious literary, artistic, political, or scientific value. (See *Milla v. California*, 113 U.S. 15 (1973).)

Possession — offense involving the possession of a controlled substance, acquiring a controlled substance by misrepresentation or fraud, attempting or conspiring to possess, or simple possession of a controlled substance in schedules I-V (as defined by 21 U.S.C. §§ 812). Includes possession of a controlled substance in schedule I or II, or a narcotic drug in schedule III or IV on board a vessel of the United States or vessels within custom waters of the United States, or by any citizen of the United States on board a vessel. Also, possessing any punch, die, plate, stone, or any other thing designed to reproduce the label upon any drug or container is an offense under this category. Distributing a small

amount of marijuana for no remuneration is treated as simple possession and, therefore, is included in this offense category (*for example*, 21 U.S.C. §§ 829 (a)(b)(c), 841(a)(b)(d)(g), 842(a)(c), 843(a), 844(a), 846, 955, and 962).

Presentence Investigation Report (PSR) — following a presentence investigation, a report to the court prepared by the probation officer before the imposition of sentence, as required by law; unless the court finds that there is information in the record sufficient to enable the meaningful exercise of sentencing authority pursuant to 18 U.S.C. § 3553, and the court explains this finding on the record.

Presentment — an accusation initiated by the grand jury itself, and in effect, an instruction that an indictment be drawn.

Pretrial diversion — an agreement to defer (and possibly drop) prosecution conditioned on the defendant's good behavior and/or participation in programs (such as job training, counseling, education) during a stated period.

Pretrial release — the release of a defendant from custody, for all or part of the time, before or during prosecution. The defendant may be released either on personal recognizance or unsecured bond or on financial conditions. The category includes defendants released within 2 days after arrest and defendants who were initially detained but subsequently released after raising bail or having release conditions changed at a subsequent hearing.

Probation — sentence imposed for commission of a crime whereby the convicted criminal offender is released into the community under the supervision of a probation officer in lieu of incarceration. An act of clemency available only to those found eligible by the court, probation offers a chance for reform and rehabilitation for the defendant. For this purpose,

the defendant must agree to specified standards of conduct; violation of such standards subjects his liberty to revocation.

Property offenses, fraudulent — property offenses involving the elements of deceit or intentional misrepresentation. Specifically includes embezzlement, fraud (excluding tax fraud), forgery, and counterfeiting.

Property offenses, non-fraudulent — violent offenses against property: burglary, larceny, motor vehicle theft, arson, transportation of stolen property, and other property offenses (destruction of property and trespassing). These offenses are termed "non-fraudulent" only for the purpose of distinguishing them from the category "Property offenses, fraudulent," above.

Property offenses, other — offenses that involve the destruction of property moving in interstate or foreign commerce in the possession of a common or contract carrier. Includes the malicious destruction of Government property, or injury to U.S. postal property such as mailboxes or mailbags. Trespassing on timber and Government lands is also included in this category of offenses (*for example*, 2 U.S.C. § 167(c)(g); 15 U.S.C. § 1281; 16 U.S.C. §§ 3, 45(d), 114, 121, 123, 152, 430(q), 433, 470, 478, 481, 551, and 605; 18 U.S.C. §§ 1164, 1361-62, 1364, 1852, 1854, 1856, 1858, 1860, 1863, 1864(c), and 2071(b); 40 U.S.C. §§ 193 (h)(q)(r)(s); 43 U.S.C. § 316; and 47 U.S.C. §§ 13 and 22).

Public-order offenses, non-regulatory — offenses concerning weapons; immigration; tax law violations (tax fraud); bribery; perjury; national defense; escape; racketeering and extortion; gambling; liquor; mailing or transporting of obscene materials; traffic; migratory birds; conspiracy, aiding and abetting, and jurisdictional offenses; and "other public-order offenses." These offenses are termed "non-regulatory" only for the purpose of distinguishing

them from the category "Public-order offenses, regulatory" below.

Public-order offenses, other — violations of laws pertaining to bigamy, disorderly conduct on the U.S. Capitol grounds, civil disorder, and travel to incite to riot (*for example*, 18 U.S.C. §§ 228, 231, 1367, and 1385; 40 U.S.C. §§ 193(b)(d)(g)(o)(p); and 47 U.S.C. §§ 223(a)(b)). Included in "Public-order offenses, non-regulatory."

Public-order offenses, regulatory — violations of regulatory laws and regulations in agriculture, antitrust, labor law, food and drug, motor carrier, and other regulatory offenses that are not specifically listed in the category "Public-order offenses, non-regulatory."

Racketeering and extortion — racketeering is demanding, soliciting, or receiving anything of value from the owner, proprietor or other person having a financial interest in a business, by means of a threat or promise, either express or implied. Extortion is the obtaining of money or property from another, without his consent, induced by the wrongful use of force or fear. This offense code covers using interstate or foreign commerce or any facility in interstate or foreign commerce to aid racketeering enterprises such as arson, bribery, gambling, liquor, narcotics, prostitution, and extortionate credit transactions; obtaining property or money from another, with his or her consent induced by actual or threatened force; violence, blackmail, or committing unlawful interference with employment or business; transmitting by interstate commerce or through the mail any threat to injure the property, the person, or the reputation of the addressee or of another; or kidnapping any person with intent to extort. Applies to officers or employees of the United States, or anyone representing himself or herself as such (*for example*, 18 U.S.C. §§ 831, 872, 874, 875(b)(d), 877, 878(b), 892, 894, 1365(d), 1952-53, 1955-60, 1962-63).

Rape — rape, assault with intent to commit rape, and carnal knowledge of a female under 16 who is not one's wife, within the territorial and special maritime jurisdictions of the United States as defined in 18 U.S.C. § 7 (*for example*, 22D U.S.C. § 2801). Also includes cases of sexual abuse, including of a minor (18 U.S.C. §§ 2241(a) (c), 2242(2)(B), and 2243) and in Federal prisons (18 U.S.C. § 2244(a)).

Regulatory offenses, other — violations covering areas such as civil rights, election laws, the Communication Act of 1934 (including wire tapping and wire interception), custom laws (except narcotics and liquor), interstate commerce (the Hot Oil Act, transportation or importation of prison-made goods, and the railroad and transportation acts), maritime and shipping laws, laws regarding stowaways, the Federal Boat Safety Act of 1971, U.S. postal laws (excluding injury to postal property), intimidation of witness laws, aircraft regulations, and any other regulatory offenses not listed above. (For citations refer to the United States Title and Code Criminal Offense Citations, Administrative Office of the U.S. Courts, June, 1995.)

Release

Extraordinary release — unusual methods of prisoners exiting prison, such as death, commutation, and transfer to another facility.

Standard release — the usual way prisoners exit prison, including full-term sentence expirations, expirations with good time, mandatory releases, and releases to parole.

Remand — to send back. The act of an appellate court in sending a case back to the lower court for further action.

Remove — transfer from Federal court (usually to a State court).

Restitution — the action of restoring or giving back something to its proper owner, or making reparations to one for loss or injury previously inflicted.

Reversal — the act of an appellate court annulling a judgment of a lower court because of an error.

Revocation — termination of a probation, parole, or mandatory release order because of either a rule violation or a new offense, and forcing the offender to begin or continue serving his or her sentence.

Robbery — taking anything of value from the person or presence of another by force or by intimidation, within the special maritime and territorial jurisdiction of the United States (18 U.S.C. §§ 7). Includes robbery of bank property, U.S. postal property, or personal property of the United States. Also, assaulting or putting the life of any person in jeopardy by the use of a dangerous weapon while committing or attempting to commit such robbery (*for example*, 18 U.S.C. §§ 1661, 1991, 2112, 2113(c) (d), 2114, 2116, and 2118(a)).

Rule 20 transfer — upon petition by a defendant, a transfer of proceedings to the district in which the defendant is arrested, when the defendant is arrested, held, or present in a district other than that in which an indictment or information is pending against him. In this case, the defendant may state in writing a wish to plead guilty or nolo contendere, to waive trial in the district in which the indictment or information is pending, and to consent to the disposition of the case in the district in which the defendant was arrested (Fed. R. Crim. P. 20).

Rule 40 transfer — upon petition by the U.S. attorney, commitment to another district; transfer proceedings of a defendant arrested in a district for an alleged offense committed in the another district (Fed. R. Crim. P. 40).

Sentence — sanction imposed on a convicted offender. For sentences to incarceration, the maximum time the

offender may be held in custody is reported. (See *also*, "Split sentence," "Mixed sentence," "Indeterminate sentence," and "Mandatory sentence.")

Sentencing Guidelines (Federal) — guidelines established by the United States Sentencing Commission to be followed by the Federal courts in the sentencing of those convicted of Federal offenses. Established pursuant to the Sentencing Reform Act of 1984, the sentencing guidelines prescribe a range of sentences for each class of convicted persons as determined by categories of offense behavior and offender characteristics.

Sex offenses, other — transporting, coercing, or enticing any individual (including minors) to go from one place to another in interstate or foreign commerce, in the District of Columbia, or in any territory or possession of the United States with the intent and purpose to engage in prostitution, or any sexual activity for which any person can be charged with a criminal offense (8 U.S.C. § 1328 and 18 U.S.C. §§ 1460, 1466, 2251-52, 2257, 2421 and 2423).

Shock incarceration — an intense confinement program, consisting of a highly regimented schedule that provides the strict discipline, physical training, hard labor, drill, and ceremony characteristic of military basic training.

Special maritime and territorial jurisdiction — areas of Federal jurisdiction outside the jurisdiction of any State, including (1) the high seas, Great Lakes, and connecting waterways; (2) Federal lands; and (3) U.S.-owned aircraft in flight over the high seas (18 U.S.C. § 7).

Split sentence — See, "Mixed sentence."

Stale — the case/matter is too old to support successful prosecution.

Substantial assistance — a form of cooperation with the government in which the defendant provides the

government with information, testimony, or other assistance relating to the criminal activities of other persons in exchange for a sentence reduction. Substantial assistance provides the only mechanism for judges to impose a sentence below an applicable mandatory sentence (U.S.S.G. 5K1.1 as codified at 18 U.S.C. § 3553(e)).

Supervised release — under the Sentencing Reform Act of 1984, a form of post-imprisonment supervision to be imposed by the court as a part of the sentence of imprisonment at the time of initial sentencing. Unlike parole, a term of supervised release does not replace a portion of the sentence of imprisonment, but rather is an order of supervision in addition to any term of imprisonment imposed by the court (compare also with probation).

Surety bond — an agreement by the defendant as a condition of his or her release that requires a third party (usually a bail bondsman) to promise to pay the full bail amount in the event that the defendant fails to appear.

Suspect — a person who is under investigation or interrogation as a likely perpetrator of a specific criminal offense.

Tax law violations — tax fraud offenses such as income tax evasion and fraud; counterfeiting any stamps with intent to defraud the collection or payment of tax; willfully failing to collect or pay tax; failure to obey summons to produce any papers concerning taxes; failing to furnish receipts for employees of tax withheld; failing to furnish information relating to certain trusts, annuity, and bond purchase plans; putting fraudulent or false statements on tax returns; and not obtaining a license for a business that makes a profit from foreign items. Also included in this offense category are violations of excise and wagering tax laws and any other laws listed below from the Internal Revenue Service Code (*for example*, 26

U.S.C. §§ 3402, 4412, 5751, 5762(a1), 6047(a)(c), 6331, 6420(e2), 6674, 7121, 7201, 7203(c), 7204, 7206(a)(c), 7208(a)(c), 7210, 7213(b), (d), 7214(b), 7216, 7232, 7513, 7602, and 7604(b)).

Technical violation — failure to comply with any of the conditions of pretrial release, probation, or parole, excluding alleged new criminal activity. May result in revocation of release status. Examples of conditions that may be imposed and then violated include remaining within a specified jurisdiction, or appearing at specified intervals for drug tests.

Termination — at the pretrial services stage: execution of sentence, acquittal, dismissal, diversion, or fugitive status; in the U.S. district court: conviction, acquittal, or dismissal; and at probation or supervised release: the removal of a person from supervision either for successful completion of the term of supervision or as the result of a revocation.

Threats against the President — knowingly and willfully depositing in the mail, at any post office, or by any letter carrier a letter, paper, writing, print, missive, or document containing any threat to take the life of or to inflict bodily harm upon the President, Vice President, or any other officer in order of succession to the Presidency. Knowingly and willfully making such threats in any way to the above-named people (18 U.S.C. § 871).

Traffic offenses — driving while intoxicated, or any moving or parking violations on Federal lands (*for example*, 40 U.S.C. § 212(b)).

Trafficking — knowingly and intentionally importing or exporting any controlled substance in schedule I, II, III, IV, or V (as defined by 21 U.S.C. §§ 812). Includes manufacturing, distributing, dispensing, selling, or possessing with intent to manufacture, distribute, or sell a controlled substance or a counterfeit substance; exporting any controlled substance in

schedules I-V; manufacturing or distributing a controlled substance in schedule I or II for purposes of unlawful importation; or making or distributing any punch, die, plate, stone, or any other thing designed to reproduce the label upon any drug or container, or removing or obliterating the label or symbol of any drug or container. Also includes knowingly opening, maintaining or managing any place for the purpose of manufacturing, distributing, or using any controlled substance (*for example*, 19 U.S.C. § 1590; 21 U.S.C. §§ 333(e), 825(a)-(d), 830(a), 841(a)-(b)(d)(e)(g), 842(a), 843(a)(b), 845, 846, 848, 854, 856, 858, 859(a)(b), 860(a), 861(c)(f), 952(a)(b), 953(a)(e), 957, 959, 960(a)(b)(d), 961, 962, and 963; and 46A U.S.C. §§ 1903(g) and (j)).

Transportation of stolen property — transporting, selling, or receiving stolen goods, stolen securities, stolen moneys, stolen cattle, fraudulent State tax stamps, or articles used in counterfeiting, if the above articles or goods involve or constitute interstate or foreign commerce (18 U.S.C. §§ 2315, 2317).

Trial conviction — conviction by judge or jury after trial.

True bill — an indictment.

United States — includes the outlying territories (Guam, Puerto Rico, Northern Marianas Islands, and the U.S. Virgin Islands) and the territory occupied by the 50 states and the District of Columbia.

U.S. attorneys — all United States attorneys. Prosecutorial data in this *Compendium* come from the Central System and Central Charge Files of the Executive Office for U.S. Attorneys.

Unsecured bond — an agreement by the defendant as a condition of his or her release in which the defendant agrees to pay full bond amount in the event of nonappearance at trial, but is not required to post security as a condition to release.

Violation (of pretrial release, probation, or parole) — allegation of a new crime or a technical violation while on pretrial release, probation, or parole.

Violent offenses — threatening, attempting, or actually using physical force against a person. Includes murder, negligent manslaughter, assault, robbery, rape, other sex offenses (some of which may be nonviolent), kidnaping, and threats against the President. (*See also*, specific offenses for citations.)

Weapons violations — violations of any of the provisions of 18 U.S.C. §§ 922 and 923 concerning the manufacturing, importing, possessing, receiving, and licensing of firearms and ammunition. Includes manufacturing, selling, possessing, or transporting (within any territory or possession of the United States, within Indian country, or within the special maritime and territorial jurisdiction of the United States) (18 U.S.C. §§ 7) any switchblade knife; or making, receiving, possessing, or transporting a firearm not registered in the National Firearms Registration Transfer Record. Also, engaging in importing, manufacturing, or dealing in firearms if not registered with the secretary in the Internal Revenue Service District in which the business is conducted or not having paid a special occupational tax. In addition, this code covers cases where in a crime of violence or drug trafficking enhanced punishment is handed down when committed with a deadly weapon (*for example*, 15 U.S.C. § 1242; 18 U.S.C. §§ 922(a)(c)(e)(g)(i)(k)(m)(n)(q), 923, 924(a)(c)(f)(h) and 930; 26 U.S.C. §§ 5801, 5811, 5821, 5841, 5843, 5851, and 5861(b)(d)(h)(j)(l); 40 U.S.C. § 193f(a); and 49A U.S.C. § 1472(q)).

